

107TH CONGRESS
2D SESSION

H. R. 4919

To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2002

Mr. HAYWORTH (for himself and Mr. STUMP) introduced the following bill;
which was referred to the Committee on Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tonto and Coconino
5 National Forests Land Exchange Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

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

8 (1) Certain private lands adjacent to the Mon-
9 tezuma Castle National Monument in Yavapai Coun-
10 ty, Arizona, are desirable for Federal acquisition to

1 protect important riparian values along Beaver
2 Creek and the scenic backdrop for the National
3 Monument.

4 (2) Certain other inholdings in the Coconino
5 National Forest are desirable for Federal acquisition
6 to protect important public values near Double
7 Cabin Park.

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

18 (4) In return for the privatization of such en-
19 cumbered lands the Secretary of Agriculture has
20 been offered approximately 495 acres of non-Federal
21 land (known as the Q Ranch) within the Tonto Na-
22 tional Forest, east of Young, Arizona, in an area
23 where the Secretary has completed previous land ex-
24 changes to consolidate public ownership of National
25 Forest lands.

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

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

10 **SEC. 3. DEFINITIONS.**

11 As used in this Act:

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

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

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

20 (4) MCJV.—The term “MCJV” means the
21 Montezuma Castle Land Exchange Joint Venture
22 Partnership, an Arizona Partnership.

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

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, unless otherwise speci-
3 fied.

4 **SEC. 4. MONTEZUMA CASTLE LAND EXCHANGE.**

5 (a) LAND EXCHANGE.—Upon receipt of a binding
6 offer from MCJV to convey title acceptable to the Sec-
7 retary to the land described in subsection (b), the Sec-
8 retary shall convey to MCJV all right, title, and interest
9 of the United States in and to the Federal land described
10 in subsection (c).

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

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

17 (2) Certain private land within the Coconino
18 National Forest, Arizona, comprising approximately
19 143 acres, as generally depicted on the map entitled
20 “Double Cabin Park Lands”, dated May 2002.

21 (c) FEDERAL LAND.—The Federal land described in
22 this subsection is the approximately 222 acres in the
23 Tonto National Forest, Arizona, and surveyed as Lots 3,
24 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Town-

1 ship 11 North, Range 10 East, Gila and Salt River Merid-
2 ian, Arizona.

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

17 (1) Lot 3.

18 (2) Lot 4.

19 (3) Lot 9.

20 (4) Lot 10.

21 (5) Lot 11.

22 (6) Lot 8.

23 (e) CASH EQUALIZATION.—Any difference in value
24 remaining after compliance with subsection (d) shall be
25 equalized by the payment of cash to the Secretary or

1 MCJV, as the circumstances dictate, in accordance with
2 section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public
3 Law 90–171 (16 U.S.C. 484a; commonly known as the
4 “Sisk Act”) shall apply to any cash equalization payment
5 received by the United States under this section.

6 **SEC. 5. DIAMOND POINT—Q RANCH LAND EXCHANGE.**

7 (a) IN GENERAL.—Upon receipt of a binding offer
8 from DPSHA to convey title acceptable to the Secretary
9 to the land described in subsection (b), the Secretary shall
10 convey to DPSHA all right, title, and interest of the
11 United States in and to the land described in subsection
12 (c).

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

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

23 (d) EQUAL VALUE EXCHANGE.—The values of the
24 non-Federal and Federal land directed to be exchanged
25 under this section shall be equal or equalized as deter-

1 mined by the Secretary through an appraisal performed
2 by a qualified appraiser mutually agreed to by the Sec-
3 retary and DPSHA and in conformance with the Uniform
4 Appraisal Standards for Federal Land Acquisitions (U.S.
5 Department of Justice, December 2000), and section
6 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are
7 not equal, they shall be equalized by the payment of cash
8 to the Secretary or DPSHA pursuant to section 206(b)
9 of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16
10 U.S.C. 484a; commonly known as the “Sisk Act”) shall
11 apply to any cash equalization payment received by the
12 United States under this section.

13 (e) SPECIAL USE PERMIT TERMINATION.—Upon
14 execution of the land exchange authorized by this section,
15 all special use cabin permits on the Federal land shall be
16 terminated.

17 **SEC. 6. MISCELLANEOUS PROVISIONS.**

18 (a) EXCHANGE TIMETABLE.—Not later than 6
19 months after the Secretary receives an offer under section
20 4 or 5, the Secretary shall execute the exchange under
21 section 4 or 5, respectively, unless the Secretary and
22 MCJV or DPSHA, respectively, mutually agree to extend
23 such deadline.

24 (b) EXCHANGE PROCESSING.—Prior to executing the
25 land exchanges authorized by this Act, the Secretary shall

1 perform any necessary land surveys and required
2 preexchange clearances, reviews, and approvals relating to
3 threatened and endangered species, cultural and historic
4 resources, wetlands and floodplains and hazardous mate-
5 rials. In order to save administrative costs to the United
6 States, the costs of performing such work, including the
7 appraisals required pursuant to this Act, shall be paid by
8 MCJV or DPSHA for the relevant property, except for
9 the costs of any such work (including appraisal reviews
10 and approvals) that the Secretary is required or elects to
11 have performed by employees of the Department of Agri-
12 culture.

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

1 (d) ADMINISTRATION OF ACQUIRED LAND.—The
2 land acquired by the Secretary pursuant to this Act shall
3 become part of the Tonto or Coconino National Forest,
4 as appropriate, and be administered as such in accordance
5 with the laws, rules, and regulations generally applicable
6 to the National Forest System. Such land may be made
7 available for domestic livestock grazing if determined ap-
8 propriate by the Secretary in accordance with the laws,
9 rules, and regulations applicable thereto on National For-
10 est System land.

11 (e) TRANSFER OF LAND TO PARK SERVICE AUTHOR-
12 IZED.—If the Secretary, after consultation with the Sec-
13 retary of the Interior, determines it appropriate to trans-
14 fer all or a portion of the land acquired adjacent to the
15 Montezuma Castle Monument to the Secretary of the Inte-
16 rior for addition to the National Monument, such transfer
17 is hereby authorized, subject to the Secretary of the Inte-
18 rior paying to the Secretary an amount equal to the final
19 appraised value of such land as approved by the Secretary.
20 Public Law 90–171 (16 U.S.C. 484a; commonly known
21 as the “Sisk Act”) shall apply to any cash equalization
22 payment received by the United States under this section.
23 Any land transferred to the administration of the National

- 1 Park Service shall be incorporated in, and administered
- 2 as part of, the Montezuma Castle National Monument.

○