

108TH CONGRESS
2D SESSION

H. R. 4808

To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2004

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

A BILL

To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

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. LAND EXCHANGE OF PRIVATE AND PUBLIC**
2 **LAND IN VICINITY OF HOLLOMAN AIR FORCE**
3 **BASE, NEW MEXICO.**

4 (a) CONVEYANCE OF PUBLIC LAND.—In exchange
5 for the land described in subsection (b), the Secretary of
6 the Interior shall convey to Randal, Jeffrey, and Timothy
7 Rabon of Otero County, New Mexico (in this section re-
8 ferred to as the “Rabons”), all right, title, and interest
9 of the United States in and to a parcel of public land ad-
10 ministered by the Secretary through the Bureau of Land
11 Management that consists of approximately 320 acres and
12 is a Bureau of Land Management inholding within lands
13 owned by the Rabons. The conveyance of the parcel in-
14 cludes all surface, subsurface, mineral, and water rights,
15 title, and interests of the United States in and to the par-
16 cel.

17 (b) CONSIDERATION.—As consideration for the con-
18 veyance of the real property under subsection (a), the
19 Rabons shall convey to the United States all right, title,
20 and interest of held by the Rabons in and to a parcel of
21 land that consists of approximately 241 acres, is contig-
22 uous to Holloman Air Force Base, New Mexico, and is
23 located within the required safety zone surrounding muni-
24 tions storage bunkers at the installation. The conveyance
25 of the parcel includes all surface, subsurface, mineral, and
26 water rights, title, and interests of the Rabons in and to

1 the parcel. The Secretary shall assume jurisdiction over
2 the land acquired under this subsection.

3 (c) APPRAISAL AND CASH EQUALIZATION PAY-
4 MENT.—

5 (1) APPRAISAL.—The Secretary shall pay the
6 costs of any appraisal performed after the date of
7 the enactment of this Act to determine the fair mar-
8 ket values of the lands to be exchanged under this
9 section.

10 (2) CASH EQUALIZATION PAYMENT.—If the fair
11 market values of the lands are not equal, the values
12 shall be equalized by the payment of cash to the Sec-
13 retary or to the Rabons, as the circumstances dic-
14 tate, in accordance with section 206(b) of the Fed-
15 eral Land Policy and Management Act of 1976 (43
16 U.S.C. 1716(b)).

17 (3) CREDIT FOR INCURRED COSTS.—There
18 shall be applied, to any equalization payment to the
19 Secretary required to be made under paragraph (2),
20 an amount equal to all costs incurred by the Rabons
21 with respect to the conveyance to the United States
22 of the land referred to in subsection (b) since Au-
23 gust 3, 1999, including costs incurred with respect
24 to the attempt by the Army Corps of Engineers to
25 obtain the land by condemnation.

1 (4) TREATMENT OF PAYMENT.—Any payment
2 received by the Secretary under paragraph (1) shall
3 be deposited in the general fund of the State office
4 of the Bureau of Land Management in New Mexico.
5 Amounts so deposited shall remain available, without
6 appropriation and until expended, to cover adminis-
7 trative costs and land-acquisition costs incurred by
8 the State office.

9 (d) NO DEVELOPMENT DESIGNATION.—The Sec-
10 retary shall place a no-development designation on the
11 land acquired under subsection (b) to prevent encroach-
12 ment on Holloman Air Force Base, New Mexico.

13 (e) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the lands to be exchanged under
15 this section shall be determined by surveys satisfactory to
16 the Secretary. The cost of the surveys shall be shared by
17 the parties to the exchange.

18 (f) REQUIRED DOCUMENTATION.—No additional en-
19 vironmental documentation or studies are required as a
20 precondition for executing the land exchange required by
21 this section.

22 (g) GRAZING LEASES.—The Secretary shall seek to
23 amend any lease authorizing grazing on the land referred
24 to in subsection (a) to apply such lease to the land ac-
25 quired by the United States under subsection (b).

1 (h) MAINTENANCE OF RIGHT-OF-WAY.—The Sec-
2 retary shall ensure that any conveyance under this section
3 of the land referred to in subsection (a) is subject to any
4 right-of-way held by Otero County immediately before the
5 enactment of this Act.

6 (i) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
7 retary may require such additional terms and conditions
8 in connection with the land exchange under this section
9 as the Secretary considers appropriate to protect the inter-
10 ests of the United States.

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