

109TH CONGRESS
2D SESSION

S. 3497

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

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2006

Mr. KYL (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Las Cienegas En-
5 hancement Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CONSERVATION AREA.—The term “Con-
2 servation Area” means the Las Cienegas National
3 Conservation Area.

4 (2) COUNTY.—The term “County” means Pima
5 County, Arizona.

6 (3) FEDERAL LAND.—The term “Federal land”
7 means the Sahuarita parcel of land, as generally de-
8 picted on the map entitled “Las Cienegas Enhance-
9 ment Act-Federal Land” and dated May 8, 2006.

10 (4) LANDOWNER.—The term “landowner”
11 means Las Cienegas Conservation, LLC.

12 (5) NON-FEDERAL LAND.—The term “non-Fed-
13 eral land” means the Empirita-Simonson parcel of
14 land consisting of approximately 2,392 acres, as
15 generally depicted on the map entitled “Las
16 Cienegas Enhancement Act-Non-Federal Land” and
17 dated May 8, 2006.

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (7) WELL SITE.—The term “well site” means a
21 well site that—

22 (A) consists of approximately 98 acres of
23 land located within the boundaries of the parcel
24 of non-Federal land; and

1 (B) is described in the instrument recorded
2 in docket 12543, pages 5459–5465 of the offi-
3 cial records of the County.

4 **SEC. 3. LAND EXCHANGE.**

5 (a) IN GENERAL.—If the landowner offers to convey
6 to the Secretary title to the non-Federal land that is ac-
7 ceptable to the Secretary, the Secretary shall—

8 (1) accept the offer; and

9 (2) simultaneously convey to the landowner all
10 right, title, and interest of the United States in and
11 to the Federal land.

12 (b) VALUATION, APPRAISALS, AND EQUALIZATION.—

13 (1) IN GENERAL.—As of the date of enactment
14 of this Act, the value of the Federal land and the
15 non-Federal land—

16 (A) shall be equal, as determined by ap-
17 praisals conducted in accordance with para-
18 graph (2); or

19 (B) if not equal, shall be equalized in ac-
20 cordance with paragraph (3).

21 (2) APPRAISALS.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date of enactment of this Act,
24 the Federal land and the non-Federal land shall
25 be appraised by an independent, qualified ap-

1 praiser that is agreed to by the Secretary and
2 the landowner.

3 (B) REQUIREMENTS.—An appraisal under
4 subparagraph (A) shall be—

5 (i) conducted in accordance with—

6 (I) the Uniform Appraisal Stand-
7 ards for Federal Land Acquisition;
8 and

9 (II) the Uniform Standards of
10 Professional Appraisal Practice; and

11 (ii) submitted to the Secretary for ap-
12 proval.

13 (3) CASH EQUALIZATION PAYMENTS.—

14 (A) IN GENERAL.—If the value of the Fed-
15 eral land and the non-Federal land is not equal,
16 the value may be equalized by—

17 (i) the Secretary by making a cash
18 equalization payment to the landowner; or

19 (ii) the landowner by making a cash
20 equalization payment to the Secretary.

21 (B) AMOUNT.—Notwithstanding section
22 206(b) of the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1716(b)), the
24 Secretary may accept a cash equalization pay-
25 ment under subparagraph (A)(ii) in an amount

1 that exceeds 25 percent of the value of the Fed-
2 eral land.

3 (C) DISPOSITION AND USE OF PRO-
4 CEEDS.—

5 (i) DISPOSITION OF PROCEEDS.—Any
6 cash equalization payments received by the
7 Secretary under subparagraph (A)(ii) shall
8 be deposited in the Federal Land Disposal
9 Account established by section 206(a) of
10 the Federal Land Transaction Facilitation
11 Act (43 U.S.C. 2305(a)).

12 (ii) USE OF PROCEEDS.—Amounts de-
13 posited under clause (i) shall be available
14 to the Secretary, without further appro-
15 priation and until expended, for the acqui-
16 sition of land and interests in land in
17 southern Arizona.

18 (c) CONDITIONS OF CONVEYANCE.—

19 (1) IN GENERAL.—As a condition of the con-
20 veyance of the Federal land to the landowner, the
21 landowner shall—

22 (A) pay the costs of carrying out the ex-
23 change of the Federal land and the non-Federal
24 land under this section, including any direct

1 costs relating to any environmental reviews and
2 any required mitigation of the Federal land;

3 (B) enter into an agreement with the
4 County to convey to the County the well site;
5 and

6 (C) relinquish to the County any water
7 rights to the well site held by the landowner.

8 (2) VALID EXISTING RIGHTS.—The exchange of
9 Federal land and non-Federal land shall be subject
10 to any easements, rights-of-way, and other valid en-
11 cumbrances in existence on the date of enactment of
12 this Act.

13 (d) LEGAL DESCRIPTIONS.—The Secretary and the
14 landowner may mutually agree to—

15 (1) correct minor errors in the legal descrip-
16 tions of the Federal land and the non-Federal land;
17 or

18 (2) make minor adjustments to the boundaries
19 of the Federal land and the non-Federal land.

20 (e) DEADLINE FOR COMPLETION OF EXCHANGE.—

21 It is the intent of Congress that the land exchange under
22 this section shall be completed—

23 (1) not later than 1 year after the date of en-
24 actment of this Act; or

1 (2) if there is a dispute with respect to the ap-
2 praisal, not later than 90 days after the date on
3 which the dispute is resolved.

4 **SEC. 4. ADMINISTRATION.**

5 (a) ADMINISTRATION OF LAND ACQUIRED BY THE
6 UNITED STATES.—On acquisition by the Secretary, the
7 non-Federal land shall—

8 (1) become part of the Conservation Area; and
9 (2) be administered by the Secretary in accord-
10 ance with the laws applicable to national conserva-
11 tion areas.

12 (b) NATIONAL CONSERVATION AREA BOUNDARY AD-
13 JUSTMENT.—The boundary of the Conservation Area is
14 modified to exclude the 40-acre tract of Bureau of Land
15 Management that is leased to the town of Elgin, Arizona,
16 for a sanitary landfill.

17 (c) ROAD ACCESS.—Not later than 18 months after
18 the date on which the non-Federal land is acquired by the
19 Secretary, the Secretary shall, in accordance with section
20 507 of the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1767), provide to the Secretary of Agri-
22 culture a right-of-way through the non-Federal land for
23 motorized public road access to the boundary of the Coro-
24 nado National Forest.

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