

106TH CONGRESS
2D SESSION

S. 2813

To provide for a land exchange to fulfill the Federal obligation to the State of Arizona under the State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2000

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

A BILL

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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. SHORT TITLE.**

2 This Act may be cited as the “Arizona Land Ex-
3 change Facilitation Act of 2000”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) when the State of Arizona entered the
7 Union, the State was granted more than 9,000,000
8 acres of State trust land to be held in permanent
9 trust to be managed on behalf of the beneficiaries of
10 the trust, primarily Arizona’s schoolchildren;

11 (2) the State is entitled to select additional land
12 of a value that is approximately equal to the value
13 of 15,234 acres of in lieu base land from vacant, un-
14 appropriated, and unreserved Federal land to fulfill
15 the entitlement arising from the Act of June 20,
16 1910 (36 Stat. 557, chapter 310), and the consent
17 judgment known as the “San Carlos Consent Judg-
18 ment” entered in *State of Arizona v. Rogers C.B.*
19 *Morton*, Court Document 74–696–PHX–WPC (D.
20 Ariz. (1978));

21 (3) while the State has recognized that certain
22 State trust land is of unique and significant value
23 and ought to be conserved as open space to benefit
24 future generations, while ensuring that there is a
25 higher benefit to public schools and other trust bene-
26 ficiaries, there is no mechanism currently available

1 to the State to conserve such unique State trust
2 land; and

3 (4) an exchange of certain Federal and State
4 land in Arizona will provide for improved land man-
5 agement by the Federal and State governments by
6 exchanging certain State trust land that is of signifi-
7 cant ecological value for permanent protection for
8 certain Federal land that is suitable for the revenue
9 generation mission of the State and other purposes
10 identified by the State on behalf of its beneficiaries.

11 (b) PURPOSES.—The purposes of this Act are to im-
12 prove manageability of Federal public land and State trust
13 land in the State, to promote the conservation of unique
14 natural areas, and to fulfill obligations to the beneficiaries
15 of State trust land by providing for a land conveyance and
16 a land exchange between the Federal and State govern-
17 ments under which—

18 (1) the Secretary of the Interior shall identify
19 a pool of parcels of land that are vacant, unappro-
20 priated, unreserved, and suitable for disposal, so
21 that the State may select Federal land that the Sec-
22 retary shall convey to the State to fulfill the State's
23 entitlement under the State's enabling act; and

24 (2) the Secretary shall acquire certain State
25 trust land in the State by eminent domain, with the

1 consent of the State, in exchange for certain Federal
2 land.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) IN LIEU BASE LAND.—The term “in lieu
6 base land” means land granted to the State under
7 section 25 of the Act of June 20, 1910 (36 Stat.
8 573).

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (3) STATE.—The term “State” means the State
12 of Arizona.

13 (4) STATE TRUST LAND.—The term “State
14 trust land” means all right, title, and interest of the
15 State on the date of enactment of this Act in and
16 to—

17 (A) land (including the mineral estate)
18 granted by the United States under sections 24
19 and 25 of the Act of June 20, 1910 (36 Stat.
20 572, 573, chapter 310); and

21 (B) land (including the mineral estate)
22 owned by the State on the date of enactment of
23 this Act that, under State law, is required to be
24 managed for the benefit of the public school

1 system or the institutions of the State des-
2 ignated under that Act.

3 **SEC. 4. FULFILLMENT OF ENTITLEMENT UNDER THE ENA-**
4 **BLING ACT.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date of enactment of this Act, the Secretary shall identify
7 land under the jurisdiction of the Secretary that—

8 (1) is vacant, unappropriated, and unreserved;
9 and

10 (2) is suitable for disposal under land manage-
11 ment plans in effect on the date of enactment of this
12 Act.

13 (b) SELECTION.—Not later than 120 days after the
14 date of enactment of this Act, the State shall select land,
15 identified by the Secretary under subsection (a), of ap-
16 proximately equal value (determined in accordance with
17 section 6) to the 15,234 acres of in lieu base land identi-
18 fied as base land depicted on the map entitled “Arizona
19 State Trust Base Lands Not Compensated by the Federal
20 Government” and dated .

21 (c) CONVEYANCE.—On final agreement between the
22 Secretary and the State under section 7(a), the Secretary
23 shall convey to the State the land selected by the State
24 under subsection (b).

1 **SEC. 5. LAND EXCHANGE.**

2 (a) CONVEYANCE BY THE SECRETARY OF FEDERAL
3 LAND.—

4 (1) IN GENERAL.—In exchange for the State
5 trust land acquired by the Secretary under sub-
6 section (b), the Secretary shall convey to the State
7 Federal land described in paragraph (2) that is of
8 a value that is approximately equal to the value of
9 the acquired State trust land, as determined under
10 section 6.

11 (2) FEDERAL LAND.—The Federal land re-
12 ferred to in paragraph (1) is land under the jurisdic-
13 tion of the Secretary and in the State that the Sec-
14 retary determines is available for exchange under
15 this Act.

16 (b) ACQUISITION BY THE SECRETARY OF STATE
17 TRUST LAND.—

18 (1) IN GENERAL.—The Secretary shall—

19 (A) on final agreement between the Sec-
20 retary and the State under section 7(a), acquire
21 by eminent domain the State designated trust
22 land described in paragraph (2); and

23 (B) manage the land in accordance with
24 paragraph (3).

25 (2) STATE TRUST LAND.—The State trust land
26 referred to in paragraph (1) is land under the juris-

1 diction of the State that the State determines is
2 available for exchange under this Act.

3 (3) MANAGEMENT OF LAND ACQUIRED BY THE
4 SECRETARY.—

5 (A) IN GENERAL.—On acceptance of title
6 by the United States, any land or interest in
7 land acquired by the United States under this
8 section that is located within the boundaries of
9 a unit of the National Park System, the Na-
10 tional Wildlife Refuge System, or any other sys-
11 tem established by Act of Congress—

12 (i) shall become a part of the unit;

13 and

14 (ii) shall be subject to all laws (includ-
15 ing regulations) applicable to the unit.

16 (B) ALL OTHER LAND.—Any land or inter-
17 est in land acquired by the United States under
18 this section (other than land or an interest in
19 land described in subparagraph (A))—

20 (i) shall be administered by the Bu-
21 reau of Land Management in accordance
22 with laws (including regulations) applicable
23 to the management of public land under
24 the administration of the Bureau of Land
25 Management; or

1 (ii) where appropriate to protect land
2 of unique ecological value, may be made
3 subject to special management consider-
4 ations, including a conservation easement,
5 to—

6 (I) protect the land or interest in
7 land from development; and

8 (II) preserve open space.

9 (4) WITHDRAWAL.—Subject to valid existing
10 rights, all land acquired by the Secretary under this
11 subsection is withdrawn from all forms of entry, ap-
12 propriation, or disposal under the public land laws,
13 from location, entry, and patent under the mining
14 laws, and from operation of the mineral leasing and
15 geothermal leasing laws.

16 **SEC. 6. DETERMINATION OF VALUE.**

17 (a) IN GENERAL.—All exchanges authorized under
18 this Act shall be for approximately equal value.

19 (b) APPRAISAL PROCESS.—The Secretary and the
20 State shall jointly determine an independent appraisal
21 process, which shall reflect nationally recognized appraisal
22 standards, including, to the extent appropriate, the Uni-
23 form Appraisal Standards for Federal Land Acquisitions,
24 to estimate values for the categories and groupings of land

1 to be conveyed under section 4 and exchanged under sec-
2 tion 5.

3 (c) DISPUTE RESOLUTION.—In the case of a dispute
4 concerning an appraisal or appraisal issue that arises in
5 the appraisal process, the appraisal or appraisal issue shall
6 be resolved in accordance with section 206(d)(2) of the
7 Federal Land Policy and Management Act of 1976 (43
8 U.S.C. 1716(d)(2)).

9 (d) ADJUSTMENT TO ACHIEVE EQUAL VALUE.—
10 After the values of the parcels of land are determined, the
11 Secretary and the State may—

12 (1) add or remove parcels to achieve a package
13 of equally valued Federal land and State trust land;
14 and

15 (2) make public a list of the parcels included in
16 the package.

17 (e) EFFECT OF DETERMINATION.—A determination
18 of the value of a parcel of land under this section shall
19 serve to establish the value of the parcel or interest in
20 land in any eminent domain proceeding.

21 (f) COSTS.—The costs of carrying out this section
22 shall be shared equally by the Secretary and the State.

23 **SEC. 7. CONVEYANCES OF TITLE.**

24 (a) AGREEMENT.—The Secretary and the State shall
25 enter into an agreement that specifies the terms under

1 which land and interests in land shall be conveyed under
2 sections 4 and 5, consistent with this section.

3 (b) CONVEYANCES BY THE UNITED STATES.—All
4 conveyances by the United States to the State under this
5 Act shall be subject to valid existing rights and other in-
6 terests held by third parties.

7 (c) CONVEYANCES BY THE STATE.—All conveyances
8 by the State to the United States under this Act shall be
9 subject only to such valid existing surface and mineral
10 leases, grazing permits and leases, easements, rights-of-
11 way, and other interests held by third parties as are deter-
12 mined to be acceptable under the title regulations of the
13 Attorney General of the United States.

14 (d) TIMING.—The conveyance of all land and inter-
15 ests in land to be conveyed under this Act shall be made
16 not later than 60 days after final agreement is reached
17 between the Secretary and the State under subsection (a).

18 (e) FORM OF CONVEYANCE.—A conveyance of land
19 or an interest in land by the State to the United States
20 under this section shall be in such form as is determined
21 to be acceptable under the title regulations of the Attorney
22 General of the United States.

23 **SEC. 8. GENERAL PROVISIONS.**

24 (a) HAZARDOUS WASTE.—

1 (1) IN GENERAL.—Notwithstanding the convey-
2 ance to the United States of land or an interest in
3 land, the State shall continue to be responsible for
4 all environmental remediation, waste management,
5 and environmental compliance activities arising from
6 ownership and control of the land or interest in land
7 under applicable Federal and State laws with respect
8 to conditions existing on the land on the date of con-
9 veyance.

10 (2) CONTINUING RESPONSIBILITY.—Notwith-
11 standing the conveyance to the State of land or an
12 interest in land, the United States shall continue to
13 be responsible for all environmental remediation,
14 waste management, and environmental compliance
15 activities arising from ownership and control of the
16 land or interest in land under applicable Federal and
17 State laws with respect to conditions existing on the
18 land on the date of conveyance.

19 (b) COSTS.—The United States and the State shall
20 each bear its own respective costs incurred in the imple-
21 mentation of this Act, except for the costs incurred under
22 section 6.

23 (c) MAPS AND LEGAL DESCRIPTIONS.—The State
24 and the Secretary shall each provide to the other the legal
25 descriptions and maps of the parcels of land and interests

1 in land under their respective jurisdictions that are to be
2 exchanged under this Act.

3 **SEC. 9. LAS CIENEGAS STUDY.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary, in consulta-
6 tion with the State, shall—

7 (1) conduct a study of land values of all State
8 trust land within the exterior boundaries of the pro-
9 posed conservation area under the Las Cienegas Na-
10 tional Conservation Area Establishment Act of 1999,
11 H.R. 2941, 106th Congress, in Pima County and
12 Santa Cruz County, Arizona; and

13 (2) submit to Congress a recommendation on
14 whether any such land should be acquired by the
15 Federal Government.

16 (b) CONTENTS.—The study shall include an examina-
17 tion of possible forms of compensation for the State trust
18 land within the proposed Las Cienegas National Conserva-
19 tion Area, including—

20 (1) cash payments;

21 (2) Federal administrative sites under the man-
22 agement of the Administrator of General Services;

23 (3) water rights; and

24 (4) relief from debt payment for the Central
25 Arizona Water Conservation District.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

4 **SEC. 11. EXPIRATION OF AUTHORITY.**

5 The authority of the Secretary to make the land con-
6 veyance under section 4 and the land exchange under sec-
7 tion 5 expires on the date that is 2 years after the date
8 of enactment of this Act.

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