

108TH CONGRESS  
1ST SESSION

# H. R. 622

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

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

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## 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. FINDINGS; PURPOSE.**

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

5               (1) Certain private lands adjacent to the Mon-  
6       tezuma Castle National Monument in Yavapai Coun-  
7       ty, Arizona, are desirable for Federal acquisition to  
8       protect important riparian values along Beaver  
9       Creek and the scenic backdrop for the National  
10       Monument.

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

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

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

23           (5) The acquisition of the Q Ranch non-Federal  
24 lands by the Secretary will greatly increase National  
25 Forest management efficiency and promote public

1 access, use, and enjoyment of the area and sur-  
2 rounding National Forest System lands.

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

7 **SEC. 2. DEFINITIONS.**

8 As used in this Act:

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

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

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

17 (4) MCJV.—The term “MCJV” means the  
18 Montezuma Castle Land Exchange Joint Venture  
19 Partnership, an Arizona Partnership.

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

23 (6) SECRETARY.—The term “Secretary” means  
24 the Secretary of Agriculture, unless otherwise speci-  
25 fied.

1 **SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.**

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

8 (b) **NON-FEDERAL.**—The land described in this sub-  
9 section is the following:

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

14 (2) Certain private land within the Coconino  
15 National Forest, Arizona, comprising approximately  
16 108 acres, as generally depicted on the map entitled  
17 “Double Cabin Park Lands”, dated September  
18 2002.

19 (c) **FEDERAL LAND.**—The Federal land described in  
20 this subsection is the approximately 222 acres in the  
21 Tonto National Forest, Arizona, and surveyed as Lots 3,  
22 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Town-  
23 ship 11 North, Range 10 East, Gila and Salt River Merid-  
24 ian, Arizona.

25 (d) **EQUAL VALUE EXCHANGE.**—The values of the  
26 non-Federal and Federal land directed to be exchanged

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

13 (1) Lot 3.

14 (2) Lot 4.

15 (3) Lot 9.

16 (4) Lot 10.

17 (5) Lot 11.

18 (6) Lot 8.

19 (e) CASH EQUALIZATION.—Any difference in value  
20 remaining after compliance with subsection (d) shall be  
21 equalized by the payment of cash to the Secretary or  
22 MCJV, as the circumstances dictate, in accordance with  
23 section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public  
24 Law 90–171 (16 U.S.C. 484a; commonly known as the  
25 “Sisk Act”) shall, without further appropriation, apply to

1 any cash equalization payment received by the United  
2 States under this section.

3 **SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.**

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

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

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

20 (d) EQUAL VALUE EXCHANGE.—The values of the  
21 non-Federal and Federal land directed to be exchanged  
22 under this section shall be equal or equalized as deter-  
23 mined by the Secretary through an appraisal performed  
24 by a qualified appraiser mutually agreed to by the Sec-  
25 retary and DPSHA and in conformance with the Uniform

1 Appraisal Standards for Federal Land Acquisitions (U.S.  
2 Department of Justice, December 2000), and section  
3 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are  
4 not equal, they shall be equalized by the payment of cash  
5 to the Secretary or DPSHA pursuant to section 206(b)  
6 of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16  
7 U.S.C. 484a; commonly known as the “Sisk Act”) shall,  
8 without further appropriation, apply to any cash equali-  
9 zation payment received by the United States under this  
10 section.

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

15 **SEC. 5. MISCELLANEOUS PROVISIONS.**

16 (a) EXCHANGE TIMETABLE.—Not later than 6  
17 months after the Secretary receives an offer under section  
18 3 or 4, the Secretary shall execute the exchange under  
19 section 3 or 4, respectively, unless the Secretary and  
20 MCJV or DPSHA, respectively, mutually agree to extend  
21 such deadline.

22 (b) EXCHANGE PROCESSING.—Prior to executing the  
23 land exchanges authorized by this Act, the Secretary shall  
24 perform any necessary land surveys and required  
25 preexchange clearances, reviews, and approvals relating to

1 threatened and endangered species, cultural and historic  
2 resources, wetlands and floodplains and hazardous mate-  
3 rials. If 1 or more of the Federal land parcels or lots, or  
4 portions thereof, cannot be transferred to MCJV or  
5 DPSHA due to hazardous materials, threatened or endan-  
6 gered species, cultural or historic resources, or wetland  
7 and flood plain problems, the parcel or lot, or portion  
8 thereof, shall be deleted from the exchange, and the values  
9 of the lands to be exchanged adjusted in accordance with  
10 subsections (d) and (e) of section 3 or section 4(d), as  
11 appropriate. In order to save administrative costs to the  
12 United States, the costs of performing such work, includ-  
13 ing the appraisals required pursuant to this Act, shall be  
14 paid by MCJV or DPSHA for the relevant property, ex-  
15 cept for the costs of any such work (including appraisal  
16 reviews and approvals) that the Secretary is required or  
17 elects to have performed by employees of the Department  
18 of Agriculture.

19 (c) FEDERAL LAND RESERVATIONS AND ENCUM-  
20 BRANCES.—The Secretary shall convey the Federal land  
21 under this Act subject to valid existing rights, including  
22 easements, rights-of-way, utility lines and any other valid  
23 encumbrances on the Federal land as of the date of the  
24 conveyance under this Act. If applicable to the land con-  
25 veyed, the Secretary shall also retain any right of access

1 as may be required by section 120(h) of the Comprehen-  
2 sive Environmental Response, Compensation and Liability  
3 Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective  
4 action relating to hazardous substances as may be nec-  
5 essary in the future.

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

16 (e) TRANSFER OF LAND TO PARK SERVICE.—Upon  
17 their acquisition by the United States, the “Montezuma  
18 Castle Contiguous Lands” identified in section 3(d)(1)  
19 shall be transferred to the administrative jurisdiction of  
20 the National Park Service, and shall thereafter be perma-  
21 nently incorporated in, and administered by the Secretary  
22 of the Interior as part of, the Montezuma Castle National  
23 Monument.

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