
[DISCUSSION DRAFT]

111TH CONGRESS

1ST SESSION

H. R. _____

To establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. KIRKPATRICK of Arizona introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, 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 “Sedona-Red Rock Na-
5 tional Scenic Area Act of 2009”.

1 **SEC. 2. DEFINITIONS**

2 In this Act:

3 (1) The term “Resource Plan” means the Coconino National Forest Land
4 and Resource Plan, dated June, 1998, as amended to the date of the Act.

5 (2) The term “Scenic Area” means the the Sedona-Red Rock National
6 Scenic Area established by this Act.

7 (3) The term “Secretary” means the Secretary of Agriculture or his/her
8 designee.

9 (4) The term “local infrastructure” means _____

10 (5) The term “local governing bodies” means _____

11 (6) The term “land use issues” means _____

12 **SEC. 3. SEDONA-RED ROCK NATIONAL SCENIC AREA,**
13 **COCONINO NATIONAL FOREST, ARIZONA.**

14 (a) ESTABLISHMENT.—There is established in the
15 Coconino National Forest, Arizona, the Sedona-Red Rock
16 National Scenic Area (in this section referred to as the
17 “Scenic Area”) for the purposes of—

18 (1) protecting and preserving the scenic quality
19 and natural resources of the Scenic Area; and

20 (2) restoring and enhancing the natural and
21 historic values of the Scenic Area.

22 (3) providing for the restriction of exchanges of land in the

1 Scenic Area

2 (b) BOUNDARIES.—The Scenic Area shall consist of
3 approximately 160,000 acres of land in the Coconino Na-
4 tional Forest, Arizona, as generally depicted in the Resource Plan on the map
5 entitled “Planning Area Overview” and dated June 1998.

6 (c) MAP AND BOUNDARY DESCRIPTION.—As soon as
7 practicable after the date of the enactment of this Act,
8 the Secretary shall file a map and boundary
9 description of the Scenic Area with the Committee on Ag-
10 riculture, Nutrition, and Forestry of the Senate and the
11 Committee on Agriculture of the House of Representa-
12 tives. The map and boundary description shall have the
13 same force and effect as if included in this Act, except
14 that the Secretary may correct clerical and typographical
15 errors in the map and description. The map and boundary
16 description shall be on file and available for public inspec-
17 tion in the Office of the Chief of the Forest Service.

18 (d) ADMINISTRATION.—The Secretary
19 shall administer the Scenic Area in accordance with this
20 Act and the laws and regulations generally applicable
21 to the National Forest System. In the event of conflict
22 between this Act and such other laws and regulations,
23 this Act shall take precedence.

24 (e) RESTRICTION ON EXCHANGES OF LAND IN THE
25 SCENIC AREA.—The Secretary shall not exchange National Forest System
26 land in the Scenic Area unless:

1 (1) The exchange results in the acquisition of National Forest
2 Land in the Scenic Area from a willing seller; and

3 (2) An environmental analysis, including an opportunity for
4 public comment thereon, is completed in accordance with the Resource Plan
5 before the exchange; and

6 (3) The exchange does not divest any landowner of any portion
7 of its boundary with the Scenic Area.

8 (f) WILDFIRE SUPPRESSION.—A wildfire in the Scenic Area shall
9 be suppressed—

10 (1) in a manner consistent with the purposes of
11 the Scenic Area; and

12 (2) using such means as the Secretary determines to be
13 appropriate to save lives
14 and personal property.

15 (g) CONTROL OF INSECTS AND DISEASE.—The Sec-
16 retary may control insect and plant or ani-
17 mal disease outbreaks in the Scenic Area—

18 (1) to maintain scenic quality;

19 (2) to prevent tree mortality;

20 (3) to reduce hazards to visitors; or

21 (4) to protect private property.

22 (h) NO EFFECT ON SURROUNDING LAND.—The es-
23 tablishment of the Scenic Area does not affect the man-
24 agement of—

25 (1) State, municipal, or private land located in

1 the vicinity of the National Forest System land that
2 is included in the Scenic area; or

3 (2) National Forest System land that is not in-
4 cluded in the Scenic Area.

5 (i) NO EFFECT ON FOREST SERVICE PLANNING
6 POLICIES.—Except as provided in subsection (e), this Act,
7 does not affect the
8 Resource Plan.

9
10 (j) NO EFFECT ON LOCAL GOVERNMENT DISCRE-
11 TION.— The establishment of the Scenic Area does not af-
12 fect the discretion of local governing bodies (including
13 counties, municipalities, and fire and school districts) to
14 seek assistance from the Secretary with re-
15 spect to the resolution of local infrastructure and land use
16 issues that involve National Forest System land within the
17 Scenic Area.**(COMMENT: THIS SECTION J NEEDS MORE
EXPLANATION, CLARIFICATION & APPLICABLE DEFINITIONS)**

18 (k) NO EFFECT ON WATER RIGHTS.—The establish-
19 ment of the Scenic Area does not—
20 (1) create, modify or otherwise affect any existing
21 water rights.

22 **SEC. 4. CHAPEL OF THE HOLY CROSS LAND SALE,**
23 **COCONINO NATIONAL FOREST, ARIZONA.**

1 (a) CONVEYANCE REQUIRED.—Not later than 180
2 days after the date of enactment of this Act, the Secretary
3 shall convey, by sale, to the Roman Catholic
4 Diocese of Phoenix, Arizona (in this section referred to
5 as the “Diocese”), all right, title, and interest of the
6 United States in and to a parcel of land in the Coconino
7 National Forest, Arizona, consisting of the approximately
8 11.2 acres, as generally depicted on the map entitled
9 “Chapel of the Holy Cross Parcel, Sedona, Arizona” and
10 dated October 2009.

11 (b) CONSIDERATION.—As consideration for the con-
12 veyance of the parcel under subsection (a), the Diocese
13 shall pay to the Secretary an amount equal to the fair
14 market value of the parcel, as determined by the Secretary
15 through an appraisal performed in accordance with—

16 (1) the Uniform Appraisal Standards for Fed-
17 eral Land Acquisitions; and

18 (2) the Uniform Standards of Professional Ap-
19 praisal Practice (USPAP).

20 (c) USE OF SALE PROCEEDS.—Moneys received by
21 the Secretary from the sale of land under subsection (a)
22 shall be deposited in the fund established by Public Law
23 90–171 (commonly known as the Sisk Act) for use by the
24 Secretary for the acquisition of land or interests in land
25 from willing sellers within the Sedona-Red Rock National
26 Scenic Area, as established by section 2. To the maximum
27 extent practicable, the Secretary shall utilize such moneys

1 for the authorized purposes within three years of their de-
2 posit into the Sisk Act fund.

3 (d) MINOR ERRORS.—The Secretary and the Diocese
4 may make, by mutual agreement, minor boundary adjust-
5 ments in the parcel directed for sale under subsection (a).
6 If there is a conflict between any map, acreage estimate,
7 or a description of the land under this section, the map
8 shall control unless the Secretary and the Diocese mutu-
9 ally agree otherwise.

**(COMMENT: SECTION 4 NEEDS TO MAKE CLEAR THAT
ANYTHING THAT IS NOT INCLUDED IN THIS PURCHASE IS
INCLUDED IN THE SCENIC AREA)**