

#E1-2459
DAW



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Safford Field Office
711 14th Avenue
Safford, Arizona 85546
www.az.blm.gov
(928) 348-4400

In Reply Refer To:
2803 (AZ-410)
AZA 4481-01
AZPHX 0-86565

July 12, 2006

Mr. Scott Steinwert
CirclePoint
135 Main Street, Ste 1600
San Francisco, CA 94205

Re: STB Finance Docket No. 34836, Arizona Eastern Railway, Construction and Operation in Graham County, Arizona; Request for Comments on Potential Environmental Impacts

Dear Mr. Steinwert:

The Bureau of Land Management, Safford Field Office, received your letter dated June 13, 2006, requesting comments on the construction and operation of Arizona Eastern Railway proposed route. According to the information and map you provided, this proposal would affect the following described lands:

Gila and Salt River Meridian, Arizona
T. 7 S., R. 26 E.,
Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$.

According to our land use plats and lands records, this new line, if constructed as proposed, would unavoidably traverse an existing Recreation and Public Purposes (R&PP) Patent currently held by the City of Safford, patent No. 02-71-0033. This R&PP patent was issued on November 23, 1970, to the City of Safford. Its primary purpose is to serve as a primary recreational facility, public safety and civilian firing range, paint ball facility, model aircraft park, archery range and four-wheeling activity area.

A patent is similar to a deed and is a conveyance document that transfers land. The patent contains a reservation to the United States for the mineral estate and a reversionary interest in the

land. This reversionary clause in the patent stipulates that the patentee must obtain authorization from the Bureau of Land Management prior to changing the use specified in the patent and the plan of development. It appears at this time we would not be able to authorize a railroad because:

1. A railroad is inconsistent with the purpose as set forth in the Recreation and Public Purposes Act.
2. A railroad is in conflict with the purposes for which the land was conveyed to the City of Safford and the city opposes it as documented in their comment letter to you dated June 20, 2006. A copy of the patent is enclosed for your information, including the authorized plan of development.

It is the recommendation of the Bureau of Land Management, that the Arizona Eastern Railway seek an alternative route avoiding all lands conveyed to the city under the R&PP Patent. If you have any questions, please feel free to contact Roberta Lopez, Realty Specialist, at (928)348-4437.

Sincerely,



William Brandau
Field Office Manager
Safford Field Office

Enclosures

Patent No. 02-71-0033

Plan of Development dated: July 1978 and revised January 1987.

cc:

Ronald M. Green
Mayor, City of Safford

R&PP Patent
A 4481
(044)

BUREAU OF LAND MANAGEMENT
425 E. 4th STREET
SAFFORD, AZ 85546

(602) 428-4040

JAN 13 1987

Mr. Robert L. Porter
City of Safford
P. O. Box 272
Safford, Arizona 85546

Dear Mr. Porter:

Thank you for your letter of December 31, 1986 regarding the plan of development for Dry Lake Park. I was glad to hear you got the funding to complete the project. The plan you submitted is accepted and is now your approved plan of development.

We will schedule a compliance check in one year and probably once a year thereafter to see how you are coming on the project.

If I may be of any help, do not hesitate to call me. Again, thanks for your response to our request. We appreciate the good working relationship we have with the city.

Sincerely,

Keith E. Coor
Gila Area Manager

RMassey:sp:01/12/87:1157L



THE CITY OF SAFFORD

*R&PP Patent
A 4481*

December 31, 1986

RECEIVED				
DISTRICT OFFICE				
JAN 05 1987				
SAFFORD DISTRICT				
	ACTION	INFO	INITIAL	DATE
DIST. MGR.				
P. M.				
A. S. C.				
REC. MGT.				
ADM.				
OPERS.				
DATA				
RAMON				
SAN SIMON				
FILE				

SP

✓

Randy

United States Department of the Interior
BLM Safford District Office
425 E. 4th St.
Safford, Arizona 85546

Re: Dry Lake Park Development
R&PP Patent A 4481 (044)
Improvement Schedule.

Dear Sirs:

I wish to respond to your letter dated 10/15/86 regarding this development. We received approval for funding of improvements through Arizona State Parks. The total project cost is now \$30,800.

The approved project scope includes the following items.

1. Picnic Tables
2. Ramada
3. Restroom
4. Parking Lots
5. Fencing
6. Archery Course
7. Model Airplane Strip

The city will also construct safety berms at the shooting range.

The city will have until 1990 to complete the project. Our tentative schedule is follows.

<u>FY</u>	<u>Items</u>
1987-88	Model Airplane Strip; Fencing Archery Course Safety Berms
1988-89	Restroom Picnic Tables Ramada
1989-1990	Parking Lots.

This will complete the grant.

The motorcross track will remain. Hiking/Bridle Paths will be developed at city expense in 1990-91. Some camping facilities are planned in 1991-92. This will complete current development plans. The old west ghost town has been deleted due to a lack of funding. A car racing group proposed a track but no action has been taken.

I will submit this schedule to the city council for budgeting. It is realistic.

If you have any questions please call.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert L. Porter".

Robert L. Porter,
Public Works Director

RLP/pt

PROPOSED DEVELOPMENT PLAN

(REVISED)

SAFFORD RECREATION AREA

July, 1978

City of Safford Planning Department

REVISED DEVELOPMENT PROGRAM

CITY OF SAFFORD RECREATIONAL AREA

Contained herein is the City of Safford's proposed (revised) development program for the Safford Recreation Area. Plans call for the development of a shooting range, motocross track, dune- buggy course and overnight RV campground over a twenty-two year period. The construction timetable is intentionally flexible to reflect local fiscal realities, and the inherent difficulties in projecting municipal revenues over such a lengthy time span.

The tentative timetable is as follows;

1977-78 Fiscal Year

Planning Program:

1. Documentation of recreational need.
2. Preliminary design for Shooting Range.
3. Prepare request to Game & Fish for matching funds.

1978-80 Fiscal Years

Planning Program:

1. Complete Shooting Range design.
2. Submit request to AZ Game and Fish for development matching funds.
3. Budgetary appropriation of local matching share.
4. Establish policies for use, operation & maintenance of Shooting Range.

Construction Program:

1. Site preparation for Shooting Range, construction of utility connections, four metal target sheds, workshop building, restroom, big bore range, silhouette range, and pistol range.
2. Undergrounding or rerouting of 900' of REA distribution line for firing clearance.

1980-82 Fiscal Years

Planning Program:

1. Evaluate use of Shooting Range.
2. Complete design for access road to Shooting Range and Parking Lot.

Construction Program:

1. Grade access road and parking area.

1982-84 Fiscal Years

Planning Program:

1. Complete design for Trap/Skeet addition.
2. Prepare matching funds request to AZ Game & Fish Dept.

1984-86 Fiscal Years

Planning Program:

1. Submit request to AZ Game & Fish for matching funds on Trap/Skeet development.
2. Budget local share for Trap/Skeet development.

Construction Program:

1. Construction of Trap/Skeet Range.

1986-88 Fiscal Years

Planning Program:

1. Reevaluate need for Motocross Track.
2. Complete design plans for Motocross Track.

1988-90 Fiscal Years

Planning Program:

1. Budget local funds for development of Motocross Track.

Construction Program:

1. Construct Motocross Track & support facilities.

1990-92 Fiscal Years.

Planning Program:

1. Reevaluate need for Dune Buggy Course.
2. Complete engineering design for Dune Buggy Course.

1992-94 Fiscal Years

Planning Program:

1. Budget local funds for Dune Buggy development.

Construction Program:

1. Construct Dune Buggy Course & support facilities.

1994-96 Fiscal Years

Planning Program:

1. Research feasibility and demand for Recreational-Vehicle Overnight Camping.
2. Preliminary design for RV Overnight Camping Area.

1996-98 Fiscal Years

Planning Program:

1. Complete design plans for RV use.
2. Budget for development of RV area.

1996-98 Fiscal Years (con't.)

Construction Program:

1. Construction of RV campground, picnic area and utility hook-ups.
2. Grade access road to RV area.

1998-00 Fiscal Years

Planning Program:

1. Complete design for access road to RV area.

Construction Program:

1. Surface access road to RV campground.

MANAGEMENT PLAN
SAFFORD REGIONAL PARK
SHOOTING COMPLEX

In accordance with the approved development plan for the Safford Recreational Area, the City of Safford hereby subscribes to the following management plan for operating and maintaining the proposed Shooting Complex in an orderly and safe manner;

Access Controls:

1. The Shooting Complex will be open to the general public only during specified hours of specified days. Such hours will be posted for public notice at Safford City Hall, the entrance to the park, and in the Shooting Complex parking area.
2. Ingress and egress to and from the facility will be provided by a single graded roadway visibly exposed to the residence of the caretaker/manager.
3. Authority to discharge firearms at the complex will be granted only upon receipt of a nominal user fee, and registration (name & address) at the manager's office.

Security Controls:

1. Ingestion of all intoxicating substances shall be expressly prohibited in the area designated for the shooting complex. Persons under the influence of alcohol and/or drugs shall not be permitted to register.
2. The Safford Police Department will be on 24 hour call for prompt response to emergency situations.
3. Off-hours security for the facility will be provided by a Manager/Caretaker, residing in a private mobile home adjacent to the facility parking lot.
4. Supervision of organized shooting matches will be provided by the clubs, organizations or agencies participating.
5. General range supervision will be provided during permitted hours by the resident Manager/Caretaker.
6. Concomitant usage of more than one shooting range shall be expressly prohibited. Particular ranges will be designated for scheduled use, and such assignments shall be posted at Safford City Hall, the entrance to the Park, the facility parking lot, and the Manager's Office.

7. Blanket liability coverage for use of the public facility shall be provided by an attached rider to the City's outstanding general liability policy with the Emil Crockett Insurance Agency of Safford.
8. Specific other rules and regulations pertaining to public use of the shooting facility shall be promulgated and posted at Safford City Hall, the entrance to the Park, the facility parking area and the Manager's Office.

Financial Controls:

1. Nominal user charges shall be levied and collected by the Manager/Caretaker at the time of registration. Such receipts shall be earmarked for operation and maintenance expense incurred by the facility.
2. Sufficient funds shall be budgeted annually in the City's Parks and Recreation account of the General Fund for the adequate operation and maintenance of the facility.

Other Controls:

1. The Shooting Range shall be available free of charge for use by State firearms safety programs.

(formerly 4-1043)

A 4481

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

City of Safford, Arizona

is entitled to a Land Patent pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended, by the Act of June 4, 1934 (68 Stat. 173, 43 U.S.C. 869), as amended, for the following described land:

Gila and Salt River Meridian, Arizona.

T. 7 S., R. 26 E.,
Sec. 3, E½SW¼, SW¼SW¼, SE¼;
Sec. 10, NE¼, NE¼NW¼;
Sec. 11, NW¼;

Containing 640.00 acres;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the above said City of Safford, the land above described, for the development of a public recreation area with related facilities purposes only; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said City of Safford;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945;
2. All minerals, together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior;

SUBJECT TO:

1. Such rights for water pipeline purposes as the City of Safford, Arizona may have under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), as to the NE¼, said Sec. 10 and the SW¼NW¼, said Sec. 11;
2. Such rights for telephone and telegraph line purposes as the Mountain States Telephone and Telegraph Company may have under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), as to the NE¼NE¼, NE¼NW¼, said Sec. 10, and NE¼NW¼, said Sec. 11;

Patent Number

02-71-0033

NOTE: This patent should remain on top of all papers in case file at all times!!!

GPO 847-946

3. 1. 2b rights for electric distribution line purposes as the Graham County Electric Cooperative, Inc. may have under the Act of March 4, 1911, supra, as to the NE¼, NE¼NW¼, said Sec. 10; and NW¼, said Sec. 11;

X
If the patentee or its successor attempts to transfer title to or control over the land to another or the land is devoted to a use other than for recreational purposes without the consent of the Secretary of the Interior or his delegate, or the patentee prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees, and permittees), to prohibit or restrict directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title to the lands shall ~~vest~~ to the United States. Transferees must meet all the qualifications of applicants under the act and will be subject to the terms and conditions of ~~the act~~

If the patentee or its successor in interest does not comply with the provisions of the approved plan of development, filed on April 24, 1970, as supplemented July 13, 1970 and August 21, 1970 with the Bureau of Land Management, or with the approved plan of management, filed April 24, 1970, as supplemented July 13, 1970, and August 21, 1970 with the Bureau of Land Management, or by any revision thereof approved by the Secretary of the Interior or his delegate, ~~the patentee shall forfeit its interest in the land and the land shall revert to the United States.~~
~~opportunity for a hearing on the terms of this grant~~
~~as provided in the act.~~

The Secretary, or his delegate, may in lieu of said forfeiture of title require the patentee or its successor in interest to pay to the United States an amount equal to the difference between the price paid for the land by the patentee prior to issuance of this patent and 50 percent of the fair market value of the patented lands, to be determined by the Secretary or his delegate as of the date of issuance of this patent, plus compound interest computed at four percent beginning on the date this patent is issued.

Patent Number 02-71-0633

September 1967
A 4481

The grant of the hereindescribed lands is subject to the following reservations, conditions, and limitations:

(1) The patentee or his (its) successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241), and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.

(2) If the patentee or his (its) successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the property described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part.

(3) The patentee or his (its) successor in interest, agrees for himself (herself) or his (its) successor in interest that a declaration of non-compliance with the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.

(4) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.

(5) The patentee or his (its) successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility conveyed.

(6) The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land.

(7) The assurances and covenant required by sections (1)-(6) above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h) (1967 edition).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in **Phoenix, Arizona,**
the **TWENTY-THIRD** day of **NOVEMBER** in the year
of our Lord one thousand nine hundred and **SEVENTY**
and of the Independence of the United States the one hundred
and **NINETY-FIFTH**.

By

Gleason F. Collins
Manager, Arizona Land Office.

Number **02-71-0033**