

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1129

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IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2005

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To authorize the exchange of certain land in the State of  
Colorado.

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 “Pitkin County Land  
3 Exchange Act of 2005”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to authorize, direct, expe-  
6 dite, and facilitate the exchange of land between the  
7 United States, Pitkin County, Colorado, and the Aspen  
8 Valley Land Trust.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ASPEN VALLEY LAND TRUST.—

12 (A) IN GENERAL.—The term “Aspen Val-  
13 ley Land Trust” means the Aspen Valley Land  
14 Trust, a nonprofit organization as described in  
15 section 501(c)(3) of the Internal Revenue Code  
16 of 1986.

17 (B) INCLUSIONS.—The term “Aspen Val-  
18 ley Land Trust” includes any successor, heir, or  
19 assign of the Aspen Valley Land Trust.

20 (2) COUNTY.—The term “County” means  
21 Pitkin County, a political subdivision of the State of  
22 Colorado.

23 (3) FEDERAL LAND.—The term “Federal land”  
24 means the land directed for exchange between the  
25 United States Forest Service, the Bureau of Land

1 Management, and Pitkin County under this Act that  
2 is comprised of the following parcels:

3 (A) The approximately 5.5 acres of Na-  
4 tional Forest System land located in the Coun-  
5 ty, as generally depicted on the map entitled  
6 “Ryan Land Exchange-Wildwood Parcel Con-  
7 veyance to Pitkin County” and dated August  
8 2004.

9 (B) The 12 parcels of National Forest Sys-  
10 tem land located in the County totaling ap-  
11 proximately 5.92 acres, as generally depicted on  
12 the map entitled “Ryan Land Exchange-Smug-  
13 gler Mountain Patent Remnants Conveyance to  
14 Pitkin County” and dated August 2004.

15 (C) The approximately 40 acres of Bureau  
16 of Land Management land located in the Coun-  
17 ty, as generally depicted on the map entitled  
18 “Ryan Land Exchange-Crystal River Parcel  
19 Conveyance to Pitkin County” and dated Au-  
20 gust 2004.

21 (4) NON-FEDERAL LAND.—The term “non-Fed-  
22 eral land” means the land directed for exchange be-  
23 tween Pitkin County and the United States Forest  
24 Service under this Act that is comprised of the fol-  
25 lowing parcels:

1 (A) The approximately 35 acres of non-  
2 Federal land in the County, as generally de-  
3 picted on the map entitled “Ryan Land Ex-  
4 change-Ryan Property Conveyance to Forest  
5 Service” and dated August 2004.

6 (B) The approximately 18.2 acres of non-  
7 Federal land located on Smuggler Mountain in  
8 the County, as generally depicted on the map  
9 entitled “Ryan Land Exchange-Smuggler  
10 Mountain-Grand Turk and Pontiac Claims Con-  
11 veyance to Forest Service”.

12 (5) SECRETARY.—The term “Secretary” means  
13 the Secretary of Agriculture.

14 **SEC. 4. LAND EXCHANGE.**

15 (a) IN GENERAL.—If the County offers to convey to  
16 the United States title to the non-Federal land that is ac-  
17 ceptable to the Secretary, the Secretary and the Secretary  
18 of the Interior shall—

19 (1) accept the offer; and

20 (2) on receipt of acceptable title to the non-  
21 Federal land, simultaneously convey to the County,  
22 or at the request of the County, to the Aspen Valley  
23 Land Trust, all right, title, and interest of the  
24 United States in and to the Federal land, subject to  
25 all valid existing rights and encumbrances.

1 (b) TIMING.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), it is the intent of Congress that the land  
4 exchange directed by this Act shall be completed not  
5 later than 1 year after the date of enactment of this  
6 Act.

7 (2) EXCEPTION.—The Secretary, the Secretary  
8 of the Interior, and the County may agree to extend  
9 the deadline specified in paragraph (1).

10 **SEC. 5. EXCHANGE TERMS AND CONDITIONS.**

11 (a) EQUAL VALUE EXCHANGE.—The value of the  
12 Federal land and non-Federal land directed to be ex-  
13 changed under this Act—

14 (1) shall be equal; or

15 (2) shall be made equal in accordance with sub-  
16 section (c).

17 (b) APPRAISALS.—

18 (1) IN GENERAL.—The value of the Federal  
19 land and non-Federal land shall be determined by  
20 the Secretary through appraisals conducted in ac-  
21 cordance with—

22 (A) the Uniform Appraisal Standards for  
23 Federal Land Acquisitions;

24 (B) the Uniform Standards of Professional  
25 Appraisal Practice; and

1 (C) Forest Service appraisal instructions.

2 (2) VALUE OF CERTAIN FEDERAL LAND.—In  
3 conducting the appraisal of the parcel of Federal  
4 land described in section 3(3)(C), the appraiser shall  
5 not consider the easement required for that parcel  
6 under subsection (d)(1) for purposes of determining  
7 the value of that parcel.

8 (c) EQUALIZATION OF VALUES.—

9 (1) SURPLUS OF NON-FEDERAL LAND.—If the  
10 final appraised value of the non-Federal land ex-  
11 ceeds the final appraised value of the Federal land,  
12 the County shall donate to the United States the ex-  
13 cess value of the non-Federal land, which shall be  
14 considered to be a donation for all purposes of law.

15 (2) SURPLUS OF FEDERAL LAND.—

16 (A) IN GENERAL.—If the final appraised  
17 value of the Federal land exceeds the final ap-  
18 praised value of the non-Federal land, the value  
19 of the Federal land and non-Federal land may  
20 be equalized by the County—

21 (i) making a cash equalization pay-  
22 ment to the Secretary;

23 (ii) conveying to the Secretary certain  
24 land located in the County, comprising ap-  
25 proximately 160 acres, as generally de-

1           picted on the map entitled “Sellar Park  
2           Parcel” and dated August 2004; or

3           (iii) using a combination of the meth-  
4           ods described in clauses (i) and (ii), as the  
5           Secretary and the County determine to be  
6           appropriate.

7           (B) DISPOSITION AND USE OF PRO-  
8           CEEDS.—

9           (i) DISPOSITION OF PROCEEDS.—Any  
10          cash equalization payment received by the  
11          Secretary under subparagraph (A)(i) shall  
12          be deposited in the fund established by  
13          Public Law 90–171 (commonly known as  
14          the “Sisk Act”) (16 U.S.C. 484a).

15          (ii) USE OF PROCEEDS.—Amounts de-  
16          posited under clause (i) shall be available  
17          to the Secretary, without further appro-  
18          priation, for the acquisition of land or in-  
19          terests in lands in Colorado for addition to  
20          the National Forest System.

21          (d) CONDITIONS ON CERTAIN CONVEYANCES.—

22                  (1) CONDITIONS ON CONVEYANCE OF CRYSTAL  
23          RIVER PARCEL.—

24                  (A) IN GENERAL.—The Secretary of the  
25          Interior shall not convey to the County the par-

1           cel of land described in section 3(3)(C) until the  
2           County grants to the Aspen Valley Land Trust,  
3           the Roaring Fork Conservancy, or any other en-  
4           tity acceptable to the Secretary of the Interior  
5           and the County, a permanent conservation ease-  
6           ment to the parcel, the terms of which—

7                   (i)(I) provide public access to the par-  
8                   cel; and

9                   (II) require that the parcel shall be  
10                  used only for recreational, fish and wildlife  
11                  conservation, and open space purposes;  
12                  and

13                  (ii) are acceptable to the Secretary of  
14                  the Interior.

15           (B) REVERSION.—In the deed of convey-  
16           ance that conveys the parcel of land described  
17           in section 3(3)(C) to the County, the Secretary  
18           of the Interior shall provide that title to the  
19           parcel shall, at the discretion of the Secretary  
20           of the Interior, revert to the United States at  
21           no cost to the United States if—

22                   (i) the parcel is used for a purpose  
23                   other than that described in subparagraph  
24                   (A)(i)(II); or

1 (ii) the County or the entity holding  
2 the conservation easement elect to dis-  
3 continue administering the parcel.

4 (2) CONDITIONS ON CONVEYANCE OF WILD-  
5 WOOD PARCEL.—In the deed of conveyance of the  
6 parcel described in section 3(3)(A) to the County, or  
7 at the request of the County, to the Aspen Valley  
8 Land Trust, the Secretary shall, as determined ap-  
9 propriate by the Secretary in consultation with the  
10 County, reserve to the United States a permanent  
11 easement to the parcel for the location, construction  
12 and public use of the East of Aspen Trail.

13 **SEC. 6. MISCELLANEOUS PROVISIONS.**

14 (a) INCORPORATION, MANAGEMENT, AND STATUS OF  
15 ACQUIRED LAND.—

16 (1) IN GENERAL.—Land acquired by the Sec-  
17 retary under this Act shall become part of the White  
18 River National Forest.

19 (2) MANAGEMENT.—On acquisition, land ac-  
20 quired by the Secretary under this Act shall be ad-  
21 ministered in accordance with the laws (including  
22 rules and regulations) generally applicable to the  
23 National Forest System.

24 (3) LAND AND WATER CONSERVATION FUND.—  
25 For purposes of section 7 of the Land and Water

1 Conservation Fund Act of 1965 (16 U.S.C. 4601–9),  
2 the boundaries of the White River National Forest  
3 shall be deemed to be the boundaries of the White  
4 River National Forest as of January 1, 1965.

5 (b) REVOCATION OF ORDERS AND WITHDRAWAL.—

6 (1) REVOCATION OF ORDERS.—Any public or-  
7 ders withdrawing any of the Federal land from ap-  
8 propriation or disposal under the public land laws  
9 are revoked to the extent necessary to permit dis-  
10 posal of the Federal land.

11 (2) WITHDRAWAL OF FEDERAL LAND.—On the  
12 date of enactment of this Act, if not already with-  
13 drawn or segregated from entry and appropriation  
14 under the public land laws (including the mining and  
15 mineral leasing laws) and the Geothermal Steam Act  
16 of 1970 (30 U.S.C. 1001 et seq.), the Federal land  
17 is withdrawn, subject to valid existing rights, until  
18 the date of the conveyance of the Federal land to the  
19 County.

20 (3) WITHDRAWAL OF NON-FEDERAL LAND.—  
21 On acquisition of the non-Federal land by the Sec-  
22 retary, the non-Federal land is permanently with-  
23 drawn from all forms of appropriation and disposi-  
24 tion under the public land laws (including the min-

1 ing and mineral leasing laws) and the Geothermal  
2 Steam Act of 1970 (30 U.S.C. 1001 et seq.).

3 (c) BOUNDARY ADJUSTMENTS.—The Secretary with  
4 jurisdiction over the land and the County may agree to—

5 (1) minor adjustments to the boundaries of the  
6 Federal land and non-Federal land parcels; and

7 (2) modifications or deletions of parcels and  
8 mining claim remnants of Federal land or non-Fed-  
9 eral land to be exchanged on Smuggler Mountain.

10 (d) MAP.—If there is a discrepancy between a map,  
11 acreage estimate, and legal or other description of the land  
12 to be exchanged under this Act, the map shall prevail un-  
13 less the Secretary with jurisdiction over the land and the  
14 County agree otherwise.

Passed the House of Representatives December 6,  
2005.

Attest:

KAREN L. HAAS,

*Clerk.*