

# Union Calendar No. 139

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

# H. R. 1129

[Report No. 109-252]

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

OCTOBER 25, 2005

Additional sponsor: Mr. SALAZAR

OCTOBER 25, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 3, 2005]

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## A BILL

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, expedite,*  
6 *and facilitate the exchange of land between the United*  
7 *States, Pitkin County, Colorado, and the Aspen Valley*  
8 *Land Trust.*

9 **SEC. 3. DEFINITIONS.**

10 *In this Act:*

11 (1) *ASPEN VALLEY LAND TRUST.*—

12 (A) *IN GENERAL.*—*The term “Aspen Valley*  
13 *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 of*  
16 *1986.*

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

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

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 County,*  
5                *as generally depicted on the map entitled “Ryan*  
6                *Land Exchange-Wildwood Parcel Conveyance to*  
7                *Pitkin County” and dated August 2004.*

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

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

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

1           (A) *The approximately 35 acres of non-Federal*  
2           *land in the County, as generally depicted on*  
3           *the map entitled “Ryan Land Exchange-Ryan*  
4           *Property Conveyance to Forest Service” and*  
5           *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 en-*  
9           *itled “Ryan Land Exchange-Smuggler Moun-*  
10           *tain-Grand Turk and Pontiac Claims Convey-*  
11           *ance 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-Federal*  
21           *land, simultaneously convey to the County, or at*  
22           *the request of the County, to the Aspen Valley Land*  
23           *Trust, all right, title, and interest of the United*  
24           *States in and to the Federal land, subject to all valid*  
25           *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 of*  
8 *the Interior, and the County may agree to extend the*  
9 *deadline specified in paragraph (1).*

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

11       **(a) EQUAL VALUE EXCHANGE.**—*The value of the Fed-*  
12 *eral land and non-Federal land directed to be exchanged*  
13 *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 land*  
19 *and non-Federal land shall be determined by the Sec-*  
20 *retary through appraisals conducted in accordance*  
21 *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 con-*  
3 *ducting the appraisal of the parcel of Federal land*  
4 *described in section 3(3)(C), the appraiser shall not*  
5 *consider the easement required for that parcel under*  
6 *subsection (d)(1) for purposes of determining the*  
7 *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 exceeds*  
11 *the final appraised value of the Federal land, the*  
12 *County shall donate to the United States the excess*  
13 *value of the non-Federal land, which shall be consid-*  
14 *ered 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 depicted*

1           on the map entitled “Sellar Park Parcel”  
2           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 PROCEEDS.—

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

14          (ii) USE OF PROCEEDS.—Amounts de-  
15          posited under clause (i) shall be available to  
16          the Secretary, without further appropria-  
17          tion, for the acquisition of land or interests  
18          in lands in Colorado for addition to the Na-  
19          tional Forest System.

20          (d) CONDITIONS ON CERTAIN CONVEYANCES.—

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

23                  (A) IN GENERAL.—The Secretary of the In-  
24          terior shall not convey to the County the parcel  
25          of land described in section 3(3)(C) until the

1           County grants to the Aspen Valley Land Trust,  
2           the Roaring Fork Conservancy, or any other en-  
3           tity acceptable to the Secretary of the Interior  
4           and the County, a permanent conservation ease-  
5           ment to the parcel, the terms of which—

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

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

11                  (ii) are acceptable to the Secretary of  
12                  the Interior.

13           (B) REVERSION.—In the deed of conveyance  
14           that conveys the parcel of land described in sec-  
15           tion 3(3)(C) to the County, the Secretary of the  
16           Interior shall provide that title to the parcel  
17           shall, at the discretion of the Secretary of the In-  
18           terior, revert to the United States at no cost to  
19           the United States if—

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

23                   (ii) the County or the entity holding  
24                   the conservation easement elect to dis-  
25                   continue administering the parcel.

1           (2) *CONDITIONS ON CONVEYANCE OF WILDWOOD*  
2           *PARCEL.*—*In the deed of conveyance of the parcel de-*  
3           *scribed in section 3(3)(A) to the County, or at the re-*  
4           *quest of the County, to the Aspen Valley Land Trust,*  
5           *the Secretary shall, as determined appropriate by the*  
6           *Secretary in consultation with the County, reserve to*  
7           *the United States a permanent easement to the parcel*  
8           *for the location, construction and public use of the*  
9           *East of Aspen Trail.*

10 **SEC. 6. MISCELLANEOUS PROVISIONS.**

11           (a) *INCORPORATION, MANAGEMENT, AND STATUS OF*  
12 *ACQUIRED LAND.*—

13           (1) *IN GENERAL.*—*Land acquired by the Sec-*  
14           *retary under this Act shall become part of the White*  
15           *River National Forest.*

16           (2) *MANAGEMENT.*—*On acquisition, land ac-*  
17           *quired by the Secretary under this Act shall be ad-*  
18           *ministered in accordance with the laws (including*  
19           *rules and regulations) generally applicable to the Na-*  
20           *tional Forest System.*

21           (3) *LAND AND WATER CONSERVATION FUND.*—  
22           *For purposes of section 7 of the Land and Water Con-*  
23           *servaion Fund Act of 1965 (16 U.S.C. 460l–9), the*  
24           *boundaries of the White River National Forest shall*

1       *be deemed to be the boundaries of the White River Na-*  
2       *tional Forest as of January 1, 1965.*

3       **(b) REVOCATION OF ORDERS AND WITHDRAWAL.—**

4               **(1) REVOCATION OF ORDERS.—***Any public orders*  
5       *withdrawing any of the Federal land from appropria-*  
6       *tion or disposal under the public land laws are re-*  
7       *voked to the extent necessary to permit disposal of the*  
8       *Federal land.*

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

18               **(3) WITHDRAWAL OF NON-FEDERAL LAND.—***On*  
19       *acquisition of the non-Federal land by the Secretary,*  
20       *the non-Federal land is permanently withdrawn from*  
21       *all forms of appropriation and disposition under the*  
22       *public land laws (including the mining and mineral*  
23       *leasing laws) and the Geothermal Steam Act of 1970*  
24       *(30 U.S.C. 1001 et seq.).*

1       (c) *BOUNDARY ADJUSTMENTS.*—*The Secretary with*  
2 *jurisdiction over the land and the County may agree to—*

3           (1) *minor adjustments to the boundaries of the*  
4 *Federal land and non-Federal land parcels; and*

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

8       (d) *MAP.*—*If there is a discrepancy between a map,*  
9 *acreage estimate, and legal or other description of the land*  
10 *to be exchanged under this Act, the map shall prevail unless*  
11 *the Secretary with jurisdiction over the land and the Coun-*  
12 *ty agree otherwise.*

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

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State of Colorado.

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