

Calendar No. 407

109TH CONGRESS
2^D SESSION

H. R. 1129

[Report No. 109-245]

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2005

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

APRIL 20, 2006

Reported under authority of the order of the Senate of April 7, 2006, by Mr.
DOMENICI, with an amendment

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pitkin County Land
5 ~~Exchange Act of 2005~~”.

1 **SEC. 2. PURPOSE.**

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

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) **ASPEN VALLEY LAND TRUST.**—

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

14 (B) **INCLUSIONS.**—The term “Aspen Val-
15 ley Land Trust” includes any successor, heir, or
16 assign of the Aspen Valley Land Trust.

17 (2) **COUNTY.**—The term “County” means
18 Pitkin County, a political subdivision of the State of
19 Colorado.

20 (3) **FEDERAL LAND.**—The term “Federal land”
21 means the land directed for exchange between the
22 United States Forest Service, the Bureau of Land
23 Management, and Pitkin County under this Act that
24 is comprised of the following parcels:

25 (A) The approximately 5.5 acres of Na-
26 tional Forest System land located in the Coun-

1 ty, as generally depicted on the map entitled
2 “Ryan Land Exchange-Wildwood Parcel Con-
3 veyance to Pitkin County” and dated August
4 2004.

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

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

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

22 (A) The approximately 35 acres of non-
23 Federal land in the County, as generally de-
24 picted on the map entitled “Ryan Land Ex-

1 change-Ryan Property Conveyance to Forest
2 Service” and dated August 2004.

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

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture.

11 **SEC. 4. LAND EXCHANGE.**

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

16 (1) accept the offer; and

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

23 (b) TIMING.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), it is the intent of Congress that the land

1 exchange directed by this Act shall be completed not
2 later than 1 year after the date of enactment of this
3 Act.

4 (2) EXCEPTION.—The Secretary, the Secretary
5 of the Interior, and the County may agree to extend
6 the deadline specified in paragraph (1).

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

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

11 (1) shall be equal; or

12 (2) shall be made equal in accordance with sub-
13 section (c).

14 (b) APPRAISALS.—

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

19 (A) the Uniform Appraisal Standards for
20 Federal Land Acquisitions;

21 (B) the Uniform Standards of Professional
22 Appraisal Practice; and

23 (C) Forest Service appraisal instructions.

24 (2) VALUE OF CERTAIN FEDERAL LAND.—In
25 conducting the appraisal of the parcel of Federal

1 land described in section 3(3)(C), the appraiser shall
2 not consider the easement required for that parcel
3 under subsection (d)(1) for purposes of determining
4 the value of that parcel.

5 (e) EQUALIZATION OF VALUES.—

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

12 (2) SURPLUS OF FEDERAL LAND.—

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

18 (i) making a cash equalization pay-
19 ment to the Secretary;

20 (ii) conveying to the Secretary certain
21 land located in the County, comprising ap-
22 proximately 160 acres, as generally de-
23 picted on the map entitled “Sellar Park
24 Parcel” and dated August 2004; or

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

5 (B) DISPOSITION AND USE OF PRO-
 6 CEEDS.—

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

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

19 (d) CONDITIONS ON CERTAIN CONVEYANCES.—

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

22 (A) IN GENERAL.—The Secretary of the
 23 Interior shall not convey to the County the par-
 24 cel of land described in section 3(3)(C) until the
 25 County grants to the Aspen Valley Land Trust,

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

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

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

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

13 (B) REVERSION.—In the deed of convey-
14 ance that conveys the parcel of land described
15 in section 3(3)(C) to the County, the Secretary
16 of the Interior shall provide that title to the
17 parcel shall, at the discretion of the Secretary
18 of the Interior, revert to the United States at
19 no cost to 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 WILD-~~
2 ~~WOOD PARCEL.~~—In the deed of conveyance of the
3 parcel described in section ~~3(3)(A)~~ to the County, or
4 at the request of the County, to the Aspen Valley
5 Land Trust, the Secretary shall, as determined ap-
6 propriate by the Secretary in consultation with the
7 County, reserve to the United States a permanent
8 easement to the parcel for the location, construction
9 and public use of the 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
20 National Forest System.

21 (3) ~~LAND AND WATER CONSERVATION FUND.~~—
22 For purposes of section 7 of the Land and Water
23 Conservation Fund Act of 1965 (16 U.S.C. 4601–9),
24 the boundaries of the White River National Forest

1 shall be deemed to be the boundaries of the White
2 River National Forest as of January 1, 1965.

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

4 ~~(1) REVOCATION OF ORDERS.—Any public or-~~
5 ~~ders withdrawing any of the Federal land from ap-~~
6 ~~propriation or disposal under the public land laws~~
7 ~~are revoked to the extent necessary to permit dis-~~
8 ~~posal of the 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~~
15 ~~is withdrawn, subject to valid existing rights, until~~
16 ~~the date of the conveyance of the Federal land to the~~
17 ~~County.~~

18 ~~(3) WITHDRAWAL OF NON-FEDERAL LAND.—~~
19 ~~On acquisition of the non-Federal land by the Sec-~~
20 ~~retary, the non-Federal land is permanently with-~~
21 ~~drawn from all forms of appropriation and disposi-~~
22 ~~tion under the public land laws (including the min-~~
23 ~~ing and mineral leasing laws) and the Geothermal~~
24 ~~Steam Act of 1970 (30 U.S.C. 1001 et seq.).~~

1 (e) 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 un-
11 less the Secretary with jurisdiction over the land and the
12 County agree otherwise.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Pitkin County Land*
15 *Exchange Act of 2006”.*

16 **SEC. 2. PURPOSE.**

17 *The purpose of this Act is to authorize, direct, expedite,*
18 *and facilitate the exchange of land between the United*
19 *States, Pitkin County, Colorado, and the Aspen Valley*
20 *Land Trust.*

21 **SEC. 3. DEFINITIONS.**

22 *In this Act:*

23 (1) ASPEN VALLEY LAND TRUST.—

24 (A) IN GENERAL.—*The term “Aspen Valley*
25 *Land Trust” means the Aspen Valley Land*

1 *Trust, a nonprofit organization as described in*
2 *section 501(c)(3) of the Internal Revenue Code of*
3 *1986.*

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

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

10 (3) *FEDERAL LAND.—The term “Federal land”*
11 *means—*

12 (A) *the approximately 5.5 acres of National*
13 *Forest System land located in the County, as*
14 *generally depicted on the map entitled “Ryan*
15 *Land Exchange-Wildwood Parcel Conveyance to*
16 *Pitkin County” and dated August 2004;*

17 (B) *the 12 parcels of National Forest Sys-*
18 *tem land located in the County totaling approxi-*
19 *mately 5.92 acres, as generally depicted on maps*
20 *1 and 2 entitled “Ryan Land Exchange-Smug-*
21 *gler Mountain Patent Remnants Conveyance to*
22 *Pitkin County” and dated August 2004; and*

23 (C) *the approximately 40 acres of Bureau of*
24 *Land Management land located in the County,*
25 *as generally depicted on the map entitled “Ryan*

1 *Land Exchange-Crystal River Parcel Conveyance*
2 *to Pitkin County” and dated August 2004.*

3 (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*
4 *eral land” means—*

5 (A) *the approximately 35 acres of non-Fed-*
6 *eral land in the County, as generally depicted on*
7 *the map entitled “Ryan Land Exchange-Ryan*
8 *Property Conveyance to Forest Service” and*
9 *dated August 2004; and*

10 (B) *the approximately 18.2 acres of non-*
11 *Federal land located on Smuggler Mountain in*
12 *the County, as generally depicted on the map en-*
13 *titled “Ryan Land Exchange-Smuggler Moun-*
14 *tain-Grand Turk & Pontiac Claims Conveyance*
15 *to Forest Service” and dated August 2004.*

16 (5) *SECRETARY.*—*The term “Secretary” means*
17 *the Secretary of Agriculture.*

18 **SEC. 4. LAND EXCHANGE.**

19 (a) *IN GENERAL.*—*If the County offers to convey to*
20 *the United States title to the non-Federal land that is ac-*
21 *ceptable to the Secretary, the Secretary and the Secretary*
22 *of the Interior shall—*

23 (1) *accept the offer; and*

24 (2) *on receipt of acceptable title to the non-Fed-*
25 *eral land, simultaneously convey to the County, or at*

1 *the request of the County, to the Aspen Valley Land*
2 *Trust, all right, title, and interest of the United*
3 *States in and to the Federal land, except as provided*
4 *in section 5(d), subject to all valid existing rights and*
5 *encumbrances.*

6 **(b) TIMING.**—*It is the intent of Congress that the land*
7 *exchange directed by this Act shall be completed not later*
8 *than 1 year after the date of enactment of this Act.*

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

10 **(a) EQUAL VALUE EXCHANGE.**—*The value of the Fed-*
11 *eral land and non-Federal land—*

12 *(1) shall be equal; or*

13 *(2) shall be made equal in accordance with sub-*
14 *section (c).*

15 **(b) APPRAISALS.**—*The value of the Federal land and*
16 *non-Federal land shall be determined by the Secretary*
17 *through appraisals conducted in accordance with—*

18 *(1) the Uniform Appraisal Standards for Fed-*
19 *eral Land Acquisitions;*

20 *(2) the Uniform Standards of Professional Ap-*
21 *praisal Practice; and*

22 *(3) Forest Service appraisal instructions.*

23 **(c) EQUALIZATION OF VALUES.**—

24 **(1) SURPLUS OF NON-FEDERAL LAND.**—*If the*
25 *final appraised value of the non-Federal land exceeds*

1 *the final appraised value of the Federal land, the*
2 *County shall donate to the United States the excess*
3 *value of the non-Federal land, which shall be consid-*
4 *ered to be a donation for all purposes of law.*

5 (2) *SURPLUS OF FEDERAL LAND.—*

6 (A) *IN GENERAL.—If the final appraised*
7 *value of the Federal land exceeds the final ap-*
8 *praised value of the non-Federal land, the value*
9 *of the Federal land and non-Federal land may,*
10 *as the Secretary and the County determine to be*
11 *appropriate, be equalized by the County—*

12 (i) *making a cash equalization pay-*
13 *ment to the Secretary;*

14 (ii) *conveying to the Secretary certain*
15 *land located in the County, comprising ap-*
16 *proximately 160 acres, as generally depicted*
17 *on the map entitled “Sellar Park Parcel”*
18 *and dated August 2004; or*

19 (iii) *using a combination of the meth-*
20 *ods described in clauses (i) and (ii).*

21 (B) *DISPOSITION AND USE OF PROCEEDS.—*

22 (i) *DISPOSITION OF PROCEEDS.—Any*
23 *cash equalization payment received by the*
24 *Secretary under clause (i) or (iii) of sub-*
25 *paragraph (A) shall be deposited in the*

1 *fund established by Public Law 90–171*
2 *(commonly known as the “Sisk Act”) (16*
3 *U.S.C. 484a).*

4 *(ii) USE OF PROCEEDS.—Amounts de-*
5 *posited under clause (i) shall be available to*
6 *the Secretary, without further appropri-*
7 *ation, for the acquisition of land or interests*
8 *in land in Colorado for addition to the Na-*
9 *tional Forest System.*

10 *(d) CONDITIONS ON CERTAIN CONVEYANCES.—*

11 *(1) CONDITIONS ON CONVEYANCE OF CRYSTAL*
12 *RIVER PARCEL.—*

13 *(A) IN GENERAL.—As a condition of the*
14 *conveyance of the parcel of Federal land de-*
15 *scribed in section 3(3)(C) to the County, the*
16 *County shall agree to—*

17 *(i) provide for public access to the par-*
18 *cel; and*

19 *(ii) require that the parcel shall be*
20 *used only for recreational, fish and wildlife*
21 *conservation, and public open space pur-*
22 *poses.*

23 *(B) REVERSION.—At the option of the Sec-*
24 *retary of the Interior, the parcel of land de-*
25 *scribed in section 3(3)(C) shall revert to the*

1 *United States if the parcel is used for a purpose*
2 *other than a purpose described in subparagraph*
3 *(A)(i).*

4 (2) *CONDITIONS ON CONVEYANCE OF WILDWOOD*
5 *PARCEL.—In the deed of conveyance for the parcel of*
6 *Federal land described in section 3(3)(A) to the Coun-*
7 *ty, the Secretary shall, as determined to be appro-*
8 *priate by the Secretary, in consultation with the*
9 *County, reserve to the United States a permanent*
10 *easement for the location, construction, and public use*
11 *of the East of Aspen Trail.*

12 **SEC. 6. MISCELLANEOUS PROVISIONS.**

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

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

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

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

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

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

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

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

19 *(3) WITHDRAWAL OF NON-FEDERAL LAND.—On*
20 *acquisition of the non-Federal land by the Secretary,*
21 *the non-Federal land is permanently withdrawn from*
22 *all forms of appropriation and disposal under the*
23 *public land laws (including the mining and mineral*
24 *leasing laws) and the Geothermal Steam Act of 1970*
25 *(30 U.S.C. 1001 et seq.).*

1 (c) *BOUNDARY ADJUSTMENTS.—The Secretary, the*
2 *Secretary of the Interior, and the County may agree to—*
3 (1) *minor adjustments to the boundaries of the*
4 *parcels of Federal land and non-Federal land; 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.*

Calendar No. 407

109TH CONGRESS
2^D SESSION

H. R. 1129

[Report No. 109-245]

AN ACT

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

APRIL 20, 2006

Reported with an amendment