

## Calendar No. 555

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 482****[Report No. 109-312]**

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IN THE SENATE OF THE UNITED STATES

APRIL 13, 2005

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

JULY 31, 2006

Reported by Mr. DOMENICI, with an amendment

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

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**AN ACT**

To provide for a land exchange involving Federal lands in  
the Lincoln National Forest in the State of New Mexico,  
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 “Pine Springs Land  
5 Exchange Act”.

1 **SEC. 2. LAND EXCHANGE, LINCOLN NATIONAL FOREST,**  
2 **NEW MEXICO.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **FEDERAL LAND.**—The term “Federal land”  
5 means the three parcels of land, and any improve-  
6 ments thereon, comprising approximately 80 acres in  
7 the Lincoln National Forest, New Mexico, as de-  
8 picted on the map entitled “Pine Springs Land Ex-  
9 change” and dated May 25, 2004, and more particu-  
10 larly described as S1/2SE1/4NW1/4, SW1/4SW1/4,  
11 W1/2E1/2NW1/4SW1/4, and E1/2W1/2NW1/4SW1/  
12 4 of section 32 of township 17 south, range 13 east,  
13 New Mexico Principal Meridian.

14 (2) **NON-FEDERAL LAND.**—The term “non-Fed-  
15 eral land” means the parcel of land owned by Lub-  
16 bock Christian University comprising approximately  
17 80 acres, as depicted on the map referred to in para-  
18 graph (1) and more particularly described as N1/  
19 2NW1/4 of section 24 of township 17 south, range  
20 12 east, New Mexico Principal Meridian.

21 (b) **LAND EXCHANGE REQUIRED.**—

22 (1) **EXCHANGE.**—In exchange for the convey-  
23 ance of the non-Federal land by Lubbock Christian  
24 University, the Secretary of Agriculture shall convey  
25 to Lubbock Christian University, by quit-claim deed,  
26 all right, title, and interest of the United States in

1 and to the Federal land. The conveyance of the Fed-  
2 eral land shall be subject to valid existing rights and  
3 such additional terms and conditions as the Sec-  
4 retary considers appropriate to protect the interests  
5 of the United States.

6 (2) ACCEPTABLE TITLE.—Title to the non-Fed-  
7 eral land shall conform with the title approval stand-  
8 ards of the Attorney General applicable to Federal  
9 land acquisitions and shall otherwise be acceptable  
10 to the Secretary.

11 (3) COSTS OF IMPLEMENTING THE EX-  
12 CHANGE.—The costs of implementing the land ex-  
13 change shall be shared equally by the Secretary and  
14 Lubbock Christian University.

15 (4) COMPLETION.—Subject to paragraph (2),  
16 the Secretary shall complete, to the extent prac-  
17 ticable, the land exchange not later than 180 days  
18 after the date of the enactment of this Act.

19 (e) TREATMENT OF MAP AND LEGAL DESCRIP-  
20 TIONS.—The Secretary and Lubbock Christian University  
21 may correct any minor error in the map referred to in  
22 subsection (a)(1) or the legal descriptions of the Federal  
23 land and non-Federal land. In the event of a discrepancy  
24 between the map and legal descriptions, the map shall pre-  
25 vail unless the Secretary and Lubbock Christian Univer-

1 sity otherwise agree. The map shall be on file and available  
2 for inspection in the Office of the Chief of the Forest Serv-  
3 ice and the Office of the Supervisor of Lincoln National  
4 Forest.

5 (d) EQUAL VALUE EXCHANGES.—The fair market  
6 values of the Federal land and non-Federal land ex-  
7 changed under subsection (b) shall be equal or, if they  
8 are not equal, shall be equalized in the manner provided  
9 in section 206 of the Federal Land Policy Management  
10 Act of 1976 (43 U.S.C. 1716). The fair market value of  
11 the land shall be determined by appraisals acceptable to  
12 the Secretary and Lubbock Christian University. The ap-  
13 praisals shall be performed in conformance with sub-  
14 section (d) of such section and the Uniform Appraisal  
15 Standards for Federal Land Acquisitions.

16 (e) REVOCATION AND WITHDRAWAL.—

17 (1) REVOCATION OF ORDERS.—Any public or-  
18 ders withdrawing any of the Federal land from ap-  
19 propriation or disposal under the public land laws  
20 are revoked to the extent necessary to permit dis-  
21 posal of the Federal land.

22 (2) WITHDRAWAL OF FEDERAL LAND.—Subject  
23 to valid existing rights, pending the completion of  
24 the land exchange, the Federal land is withdrawn  
25 from all forms of location, entry and patent under

1 the public land laws, including the mining and min-  
2 eral leasing laws and the Geothermal Steam Act of  
3 1970 (30 U.S.C. 1001 et seq.).

4 (f) ADMINISTRATION OF LAND ACQUIRED BY  
5 UNITED STATES.—

6 (1) BOUNDARY ADJUSTMENT.—Upon accept-  
7 ance of title by the Secretary of the non-Federal  
8 land, the acquired land shall become part of the Lin-  
9 coln National Forest, and the boundaries of the Lin-  
10 coln National Forest shall be adjusted to include the  
11 land. For purposes of section 7 of the Land and  
12 Water Conservation Fund Act of 1965 (16 U.S.C.  
13 4601-9), the boundaries of the Lincoln National  
14 Forest, as adjusted pursuant to this paragraph,  
15 shall be considered to be boundaries of the Lincoln  
16 National Forest as of January 1, 1965.

17 (2) MANAGEMENT.—The Secretary shall man-  
18 age the acquired land in accordance with the Act of  
19 March 1, 1911 (commonly known as the Weeks Act;  
20 16 U.S.C. 480, 500, 513-519, 521, 552, 563), and  
21 in accordance with the other laws and regulations  
22 applicable to National Forest System lands.

23 (g) RELATION TO OTHER LAWS.—Subchapters II  
24 and III of chapter 5 of title 40, United States Code, and

1 the Agriculture Property Management Regulations shall  
2 not apply to any action taken pursuant to this section.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Pine Springs Land Ex-*  
5 *change Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *FEDERAL LAND.*—*The term “Federal land”*  
9 *means the 3 parcels of Forest land (including any*  
10 *improvements on the land), comprising approxi-*  
11 *mately 80 acres, as depicted on the map.*

12 (2) *FOREST.*—*The term “Forest” means the Lin-*  
13 *coln National Forest in the State of New Mexico.*

14 (3) *MAP.*—*The term “map” means the map enti-*  
15 *tled “Pine Springs Land Exchange” and dated May*  
16 *25, 2004.*

17 (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*  
18 *eral land” means the parcel of University land com-*  
19 *prising approximately 80 acres, as depicted on the*  
20 *map.*

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

23 (6) *UNIVERSITY.*—*The term “University” means*  
24 *Lubbock Christian University in the State of New*  
25 *Mexico.*

1 **SEC. 3. LAND EXCHANGE.**

2 (a) *IN GENERAL.*—*In exchange for the conveyance to*  
3 *the Secretary of the non-Federal land by the University,*  
4 *the Secretary shall convey to the University, by quitclaim*  
5 *deed, all right, title, and interest of the United States in*  
6 *and to the Federal land.*

7 (b) *MAP.*—

8 (1) *AVAILABILITY OF MAP.*—*The map shall be on*  
9 *file and available for inspection in—*

10 (A) *the Office of the Chief of the Forest*  
11 *Service; and*

12 (B) *the Office of the Supervisor of Lincoln*  
13 *National Forest.*

14 (2) *MINOR ERRORS.*—*The Secretary and the*  
15 *University may correct any minor errors in the map.*

16 **SEC. 4. EXCHANGE TERMS AND CONDITIONS.**

17 (a) *IN GENERAL.*—*The conveyance of Federal land*  
18 *under section 3(a) shall be subject to—*

19 (1) *any valid existing rights; and*

20 (2) *any additional terms and conditions that the*  
21 *Secretary determines to be appropriate to protect the*  
22 *interests of the United States.*

23 (b) *ACCEPTABLE TITLE.*—*Title to the non-Federal*  
24 *land shall—*

1           (1) *conform with the title approval standards of*  
2           *the Attorney General applicable to Federal land ac-*  
3           *quisitions; and*

4           (2) *otherwise be acceptable to the Secretary.*

5           (c) **COMPLIANCE WITH FEDERAL LAND POLICY AND**  
6 **MANAGEMENT ACT.**—*The land exchange authorized under*  
7 *section 3(a) shall be carried out in accordance with section*  
8 *206 of the Federal Land Policy and Management Act of*  
9 *1976 (43 U.S.C. 1716).*

10          (d) **COSTS.**—*The costs of carrying out the exchange of*  
11 *Federal land and non-Federal land shall be shared equally*  
12 *by the Secretary and the University.*

13 **SEC. 5. MISCELLANEOUS PROVISIONS.**

14          (a) **REVOCATION AND WITHDRAWAL.**—

15               (1) **REVOCATION OF ORDERS.**—*Any public orders*  
16 *withdrawing any of the Federal land from appropria-*  
17 *tion or disposal under the public land laws are re-*  
18 *voked to the extent necessary to permit disposal of the*  
19 *Federal land in accordance with this Act.*

20               (2) **WITHDRAWAL OF FEDERAL LAND.**—*Subject*  
21 *to valid existing rights, pending the completion of the*  
22 *land exchange under section 3(a), the Federal land is*  
23 *withdrawn from all forms of location, entry, and pat-*  
24 *ent under the public land laws, including—*

1                   (A) *the mining and mineral leasing laws;*  
2                   *and*

3                   (B) *the Geothermal Steam Act of 1970 (30*  
4                   *U.S.C. 1001 et seq.).*

5           (b) *ADMINISTRATION OF LAND ACQUIRED BY THE*  
6 *UNITED STATES.—*

7                   (1) *BOUNDARY ADJUSTMENT.—On acceptance of*  
8 *title by the Secretary to the non-Federal land—*

9                           (A) *the non-Federal land shall become part*  
10 *of the Forest; and*

11                           (B) *the boundaries of the Forest shall be ad-*  
12 *justed to include the acquired land.*

13                   (2) *LAND AND WATER CONSERVATION FUND.—*  
14 *For purposes of section 7 of the Land and Water Con-*  
15 *servaion Fund Act of 1965 (16 U.S.C. 460l–9), the*  
16 *boundaries of the Forest, as modified under para-*  
17 *graph (1), shall be considered to be boundaries of the*  
18 *Forest as of January 1, 1965.*

19                   (3) *MANAGEMENT.—The Secretary shall manage*  
20 *the non-Federal land acquired under section 3(a) in*  
21 *accordance with—*

22                           (A) *the Act of March 1, 1911 (commonly*  
23 *known as the “Weeks Law”) (16 U.S.C. 480 et*  
24 *seq.); and*

1                    (B) any other laws (including regulations)  
2                    applicable to National Forest System land.

3           (c) *DUTIES OF SECRETARY.*—*In exercising any discre-*  
4 *tion necessary to carry out this Act, the Secretary shall en-*  
5 *sure that the public interest is well served.*



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