

Calendar No. 131

112TH CONGRESS
1ST SESSION

S. 278

[Report No. 112-51]

To provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. UDALL of Colorado (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 30 (legislative day, AUGUST 2), 2011

Reported under authority of the order of the Senate of August 2, 2011, by
Mr. BINGAMAN, without amendment

A BILL

To provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, 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 “Sugar Loaf Fire Pro-
5 tection District Land Exchange Act of 2011”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DISTRICT.—The term “District” means the
4 Sugar Loaf Fire Protection District of Boulder, Col-
5 orado.

6 (2) FEDERAL LAND.—The term “Federal land”
7 means—

8 (A) the parcel of approximately 1.52 acres
9 of land in the National Forest that is generally
10 depicted on the map numbered 1, entitled
11 “Sugarloaf Fire Protection District Proposed
12 Land Exchange”, and dated November 12,
13 2009; and

14 (B) the parcel of approximately 3.56 acres
15 of land in the National Forest that is generally
16 depicted on the map numbered 2, entitled
17 “Sugarloaf Fire Protection District Proposed
18 Land Exchange”, and dated November 12,
19 2009.

20 (3) NATIONAL FOREST.—The term “National
21 Forest” means the Arapaho-Roosevelt National For-
22 ests located in the State of Colorado.

23 (4) NON-FEDERAL LAND.—The term “non-Fed-
24 eral land” means the parcel of approximately 5.17
25 acres of non-Federal land in unincorporated Boulder
26 County, Colorado, that is generally depicted on the

1 map numbered 3, entitled “Sugarloaf Fire Protec-
2 tion District Proposed Land Exchange”, and dated
3 November 12, 2009.

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

6 **SEC. 3. LAND EXCHANGE.**

7 (a) IN GENERAL.—Subject to the provisions of this
8 Act, if the District offers to convey to the Secretary all
9 right, title, and interest of the District in and to the non-
10 Federal land, and the offer is acceptable to the Sec-
11 retary—

12 (1) the Secretary shall accept the offer; and

13 (2) on receipt of acceptable title to the non-
14 Federal land, the Secretary shall convey to the Dis-
15 trict all right, title, and interest of the United States
16 in and to the Federal land.

17 (b) APPLICABLE LAW.—Section 206 of the Federal
18 Land Policy and Management Act of 1976 (43 U.S.C.
19 1716) shall apply to the land exchange authorized under
20 subsection (a), except that—

21 (1) the Secretary may accept a cash equali-
22 zation payment in excess of 25 percent of the value
23 of the Federal land; and

24 (2) as a condition of the land exchange under
25 subsection (a), the District shall—

1 (A) pay each cost relating to any land sur-
2 veys and appraisals of the Federal land and
3 non-Federal land; and

4 (B) enter into an agreement with the Sec-
5 retary that allocates any other administrative
6 costs between the Secretary and the District.

7 (c) ADDITIONAL TERMS AND CONDITIONS.—The
8 land exchange under subsection (a) shall be subject to—
9 (1) valid existing rights; and
10 (2) any terms and conditions that the Secretary
11 may require.

12 (d) TIME FOR COMPLETION OF LAND EXCHANGE.—
13 It is the intent of Congress that the land exchange under
14 subsection (a) shall be completed not later than 1 year
15 after the date of enactment of this Act.

16 (e) AUTHORITY OF SECRETARY TO CONDUCT SALE
17 OF FEDERAL LAND.—

18 (1) IN GENERAL.—In accordance with para-
19 graph (2), if the land exchange under subsection (a)
20 is not completed by the date that is 1 year after the
21 date of enactment of this Act, the Secretary may
22 offer to sell to the District the Federal land.

23 (2) VALUE OF FEDERAL LAND.—The Secretary
24 may offer to sell to the District the Federal land for
25 the fair market value of the Federal land.

1 (f) DISPOSITION OF PROCEEDS.—

2 (1) IN GENERAL.—The Secretary shall deposit
3 in the fund established under Public Law 90–171
4 (commonly known as the “Sisk Act”) (16 U.S.C.
5 484a) any amount received by the Secretary as the
6 result of—

7 (A) any cash equalization payment made
8 under subsection (b); and

9 (B) any sale carried out under subsection
10 (e).

11 (2) USE OF PROCEEDS.—Amounts deposited
12 under paragraph (1) shall be available to the Sec-
13 retary, without further appropriation and until ex-
14 pended, for the acquisition of land or interests in
15 land in the National Forest.

16 (g) MANAGEMENT AND STATUS OF ACQUIRED
17 LAND.—The non-Federal land acquired by the Secretary
18 under this section shall be—

19 (1) added to, and administered as part of, the
20 National Forest; and

21 (2) managed by the Secretary in accordance
22 with—

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

1 (B) any laws (including regulations) appli-
2 cable to the National Forest.

3 (h) REVOCATION OF ORDERS; WITHDRAWAL.—

4 (1) REVOCATION OF ORDERS.—Any public
5 order withdrawing the Federal land from entry, ap-
6 propriation, or disposal under the public land laws
7 is revoked to the extent necessary to permit the con-
8 veyance of the Federal land to the District.

9 (2) WITHDRAWAL.—On the date of enactment
10 of this Act, if not already withdrawn or segregated
11 from entry and appropriation under the public land
12 laws (including the mining and mineral leasing laws)
13 and the Geothermal Steam Act of 1970 (30 U.S.C.
14 1001 et seq.), the Federal land is withdrawn until
15 the date of the conveyance of the Federal land to the
16 District.

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