

107TH CONGRESS
2D SESSION

H. R. 5318

To provide for an exchange of certain private property in Colorado and certain Federal property in Utah.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 2002

Mr. DUNCAN introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for an exchange of certain private property in Colorado and certain Federal property in Utah.

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. PROPERTY EXCHANGE.**

4 (a) **AUTHORITY.**—If the owners of the land described
5 in section 2(a) convey to the United States all right, title,
6 and interest in and to that land, the Secretary of the Inte-
7 rior shall, immediately without limitation, convey to those
8 owners all right, title, and interest of the United States
9 in and to the land described in section 2(b), subject to
10 section 3.

1 (b) EXCHANGE OF EQUAL VALUE.—

2 (1) IN GENERAL.—The values of the lands ex-
3 changed under this Act either shall be equal, or if
4 they are not equal, the values shall be equalized
5 by—

6 (A) the payment of money to the owners of
7 the land described in section 2(a) or to the Sec-
8 retary as circumstances require; or

9 (B) upon the agreement of the parties, a
10 decrease in the amount of land conveyed.

11 (2) SUBJECT TO APPROPRIATIONS.—The au-
12 thority of the Secretary to make any payment under
13 this subsection is subject to the availability of appro-
14 priations.

15 (c) APPRAISALS.—

16 (1) IN GENERAL.—The values of the lands au-
17 thorized to be exchanged under this Act shall be de-
18 termined by appraisals using the appraisal standards
19 set forth in the Uniform Appraisal Standards for
20 Federal Land Acquisitions, fifth edition (December
21 20, 2000) and the Uniform Standards of Profes-
22 sional Appraisal Practice. In accordance with part
23 254.9(a)(1) of title 36, Code of Federal Regulations,
24 the appraiser or appraisers shall be qualified and

1 mutually agreeable to the Secretary and the owners
2 of the non-Federal property to be exchanged.

3 (2) COST.—The Secretary and the owners of
4 the non-Federal property to be exchanged shall each
5 be responsible for half of the costs of the appraisals
6 required under paragraph (1).

7 **SEC. 2. PROPERTY DESCRIBED.**

8 (a) PRIVATE LAND TO BE CONVEYED.—The land
9 authorized to be conveyed to the United States under sec-
10 tion 1 is the land located in Colorado and generally de-
11 picted on the map entitled “____”, dated ____.

12 (b) UNITED STATES LAND TO BE CONVEYED.—The
13 Federal land authorized to be conveyed under section 1
14 is the land located in Utah and generally depicted on the
15 map entitled “____”, dated ____.

16 **SEC. 3. CONDITION OF CONVEYANCE BY UNITED STATES.**

17 As a condition of any conveyance of an interest in
18 land by the United States under this section, the Secretary
19 shall require that—

20 (1) the person to which the interest is conveyed
21 shall convey to the State of Utah, by not later than
22 2 years after the date of the conveyance by the
23 United States, a conservation easement to protect
24 cultural resources and natural resources located on
25 the land, that is required to be administered by the

1 State of Utah Department of Natural Resources Di-
2 vision of Wildlife Resources (or any successor to the
3 conservation functions of that division); and

4 (2) if the person fails to convey a conservation
5 easement in accordance with paragraph (1)—

6 (A) all right, title, and interest conveyed
7 by the United States under this Act shall revert
8 to the United States; and

9 (B) all right, title, and interest conveyed to
10 the United States under this Act shall revert to
11 the person that made such conveyance to the
12 United States.

13 **SEC. 4. JURISDICTION OF LAND CONVEYED TO THE UNITED**
14 **STATES.**

15 Land conveyed to the United States pursuant this
16 Act shall be under the administrative jurisdiction of the
17 Bureau of Land Management.

○