

Calendar No. 281

111TH CONGRESS
2^D SESSION**S. 555****[Report No. 111–131]**

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

MARCH 10, 2009

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

MARCH 2, 2010

Reported by Mr. BINGAMAN, with an amendment

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

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 2009”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) since 1967, the Sugar Loaf Fire Protection
4 District, located west of Boulder, Colorado, has
5 owned and operated 2 fire stations on National For-
6 est System land pursuant to special use permits
7 issued by the Forest Service;

8 (2) the District seeks ownership of the land on
9 which the fire stations are located to enable the Dis-
10 trict—

11 (A) to establish an area for firefighter
12 training;

13 (B) to install bathroom facilities in each
14 fire station; and

15 (C) to expand each fire station in the fu-
16 ture;

17 (3) the National Forest System land on which
18 each fire station is located—

19 (A) consists of approximately 5.08 acres;
20 and

21 (B) is of limited utility for public adminis-
22 tration, recreation, or any other use because the
23 land has been occupied by the fire stations for
24 30 years;

25 (4) the District owns a parcel of non-Federal
26 land consisting of approximately 5.17 acres that the

1 District is willing to convey to the United States in
2 exchange for the parcel of National Forest System
3 land on which the fire stations are located;

4 (5) the non-Federal land offered by the Dis-
5 trict—

6 (A) is suitable for addition to the Arapaho-
7 Roosevelt National Forests; and

8 (B) if conveyed to the United States,
9 will—

10 (i) eliminate an isolated inholding in
11 the National Forest System land;

12 (ii) result in administrative cost sav-
13 ings to the United States by reducing costs
14 relating to forest boundary administration;
15 and

16 (iii) provide to the United States envi-
17 ronmental and public recreational use ben-
18 efits that will greatly exceed the benefits
19 provided by the National Forest System
20 land on which the fire stations are located;
21 and

22 (6) it is in the public interest to direct, expe-
23 dite, and facilitate completion of a land exchange in-
24 volving the Federal and non-Federal land to enable

1 the District to better provide fire protection services
2 to—

3 (A) residents of the District;

4 (B) residents of neighboring districts; and

5 (C) individuals who travel through—

6 (i) the District on Colorado Highway
7 119; and

8 (ii) National Forest System land that
9 is located within, or adjacent to, the Dis-
10 trict.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **DISTRICT.**—The term “District” means the
14 Sugar Loaf Fire Protection District of Boulder, Col-
15 orado.

16 (2) **FEDERAL LAND.**—The term “Federal land”
17 means the parcel of approximately 5.08 acres of
18 Federal land that is—

19 (A) located in the National Forest; and

20 (B) depicted on the maps entitled “Sugar
21 Loaf Federal Lands—Station 1” and “Sugar
22 Loaf Federal Lands—Station 2” dated Novem-
23 ber, 2006.

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

4 ~~(4) NON-FEDERAL LAND.~~—The term “non-Fed-
5 eral land” means the parcel of approximately 5.17
6 acres of non-Federal land that is—

7 ~~(A) located—~~

8 ~~(i) in unincorporated Boulder County,~~
9 ~~Colorado; and~~

10 ~~(ii) between the communities of Boul-~~
11 ~~der and Nederland, Colorado; and~~

12 ~~(B) depicted on the map entitled “Non-~~
13 Federal Lands—Hibernian Load” and dated
14 November, 2006.

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

17 **SEC. 4. LAND EXCHANGE.**

18 ~~(a) IN GENERAL.~~—If, not later than 30 days after
19 the date of enactment of this Act, the District offers to
20 convey to the Secretary all right, title, and interest of the
21 District in and to the non-Federal land, and the offer is
22 acceptable to the Secretary—

23 ~~(1) the Secretary shall accept the offer; and~~

24 ~~(2) on receipt of acceptable title in and to the~~
25 non-Federal land, the Secretary shall convey to the

1 ~~District all right, title, and interest of the United~~
 2 ~~States in and to the Federal land.~~

3 ~~(b) APPRAISALS; EQUALIZATION.—~~

4 ~~(1) APPRAISALS.—~~

5 ~~(A) IN GENERAL.—The Federal land and~~
 6 ~~non-Federal land shall be appraised by an inde-~~
 7 ~~pendent appraiser selected by the Secretary.~~

8 ~~(B) REQUIREMENTS.—~~

9 ~~(i) STANDARDS.—An appraisal con-~~
 10 ~~ducted under subparagraph (A) shall be~~
 11 ~~conducted in accordance with—~~

12 ~~(I) the Uniform Appraisal Stand-~~
 13 ~~ards for Federal Land Acquisitions~~
 14 ~~developed by the Interagency Land~~
 15 ~~Acquisition Conference; and~~

16 ~~(II) the Uniform Standards of~~
 17 ~~Professional Appraisal Practice.~~

18 ~~(ii) ENCUMBRANCE.—The inde-~~
 19 ~~pendent appraiser selected by the Sec-~~
 20 ~~retary under subparagraph (A) shall not~~
 21 ~~consider the encumbrance described in sub-~~
 22 ~~section (c) during the conduct of an ap-~~
 23 ~~praisal under subparagraph (A).~~

24 ~~(2) EQUALIZATION.—If the values of the Fed-~~
 25 ~~eral land and the non-Federal land to be conveyed~~

1 in the land exchange under subsection (a) are not
 2 equal, the values may be equalized by—

3 ~~(A) the Secretary making a cash equali-~~
 4 ~~zation payment to the District (including a cash~~
 5 ~~equalization payment the amount of which is~~
 6 ~~greater than the amount authorized by section~~
 7 ~~206(b) of the Federal Land Policy and Manage-~~
 8 ~~ment Act of 1976 (43 U.S.C. 1716(b));~~

9 ~~(B) the District making a cash equali-~~
 10 ~~zation payment to the Secretary;~~

11 ~~(C) reducing the acreage of the Federal~~
 12 ~~land or the non-Federal land to be exchanged,~~
 13 ~~as appropriate; or~~

14 ~~(D) any combination of—~~

15 ~~(i) a cash equalization payment de-~~
 16 ~~scribed in subparagraph (A) or (B), as ap-~~
 17 ~~propriate; and~~

18 ~~(ii) a reduction of acreage of the Fed-~~
 19 ~~eral land or the non-Federal land described~~
 20 ~~in subparagraph (C), as appropriate.~~

21 ~~(c) CONDITION OF EXCHANGE.—As a condition of~~
 22 ~~the land exchange under subsection (a), to expedite the~~
 23 ~~land exchange and reduce the administrative costs of the~~
 24 ~~land exchange to the United States, the District shall pay~~
 25 ~~each cost relating to—~~

1 (1) each necessary land survey of the Federal
2 and non-Federal land; and

3 (2) each appraisal conducted by the inde-
4 pendent appraiser under subsection (b)(1).

5 (d) DEADLINE FOR COMPLETION OF LAND EX-
6 CHANGE.—It is the intent of Congress that the land ex-
7 change under subsection (a) shall be completed not later
8 than 120 days after the date of enactment of this Act.

9 (e) INTERIM USE OF FEDERAL LAND.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 during the period beginning on the date of enact-
12 ment of this Act and ending on the date of comple-
13 tion of the land exchange under subsection (a), the
14 District may carry out modifications to each fire sta-
15 tion located on the Federal land without further ac-
16 tion or authorization by the Secretary.

17 (2) INDEMNIFICATION REQUIREMENT.—Before
18 the conduct of any modification described in para-
19 graph (1), the District shall enter into a written
20 agreement with the Secretary, with respect to the
21 period described in that paragraph—

22 (A) to hold the United States harmless for
23 any liability arising from the conduct of any
24 modification; and

1 ~~(B)~~ to indemnify the United States against
 2 any cost arising from—

3 ~~(i)~~ the ownership by the United States
 4 of the Federal land; and

5 ~~(ii)~~ any action of the District (includ-
 6 ing any employee, licensee, or agent of the
 7 District) in carrying out any modification
 8 or other action on the Federal land.

9 ~~(f)~~ AUTHORITY OF SECRETARY TO CONDUCT SALE
 10 OF FEDERAL LAND.—

11 ~~(1)~~ IN GENERAL.—In accordance with para-
 12 graph ~~(2)~~, if the land exchange under subsection ~~(a)~~
 13 is not completed by the date described in that sub-
 14 section for any reason, the Secretary may offer to
 15 sell to the District the Federal land.

16 ~~(2)~~ VALUE OF FEDERAL LAND.—The Secretary
 17 may offer to sell to the District the Federal land for
 18 an amount equal to the value for which the Federal
 19 land is appraised under subsection ~~(b)(1)~~.

20 ~~(g)~~ DISPOSITION OF PROCEEDS.—

21 ~~(1)~~ IN GENERAL.—The Secretary shall deposit
 22 in the fund established under Public Law 90–171
 23 (commonly known as the “Sisk Act”) (16 U.S.C.
 24 484a) any amount received by the Secretary as the
 25 result of—

1 (A) a sale carried out under subsection
2 (f)(1); and

3 (B) any cash equalization payment under
4 subsection (b)(2)(B).

5 (2) USE OF PROCEEDS.—Amounts deposited
6 under paragraph (1) shall be available to the Sec-
7 retary, without further appropriation and until ex-
8 pended, for the acquisition of real property or inter-
9 ests in real property for inclusion in the portion of
10 the National Forest System located in the State of
11 Colorado.

12 (h) INCORPORATION, MANAGEMENT, AND STATUS OF
13 ACQUIRED LAND.—

14 (1) INCORPORATION; MANAGEMENT.—The non-
15 Federal land acquired by the Secretary under this
16 section shall—

17 (A) become part of the National Forest;
18 and

19 (B) be managed in accordance with each
20 law applicable to the National Forest System
21 (including regulations).

22 (2) BOUNDARY OF NATIONAL FOREST.—

23 (A) IN GENERAL.—The boundary of the
24 National Forest is modified in accordance with

1 the acquisition of the non-Federal land under
2 this section.

3 (B) LAND AND WATER CONSERVATION
4 FUND.—For the purposes of section 7 of the
5 Land and Water Conservation Fund Act of
6 1965 (16 U.S.C. 4601–9), the boundary of the
7 National Forest, as adjusted by subparagraph
8 (A), shall be considered to be the boundary of
9 the National Forest as of January 1, 1965.

10 (i) TECHNICAL CORRECTIONS WITH RESPECT TO
11 MAPS.—

12 (1) IN GENERAL.—Subject to the agreement of
13 the District, the Secretary may—

14 (A) make minor corrections to correct
15 technical and clerical errors in the maps de-
16 scribed in section 3; and

17 (B) adjust the boundary of the National
18 Forest to ensure the establishment of a bound-
19 ary that the Secretary determines could be ef-
20 fectively managed.

21 (2) DISCREPANCIES.—Subject to the agreement
22 of the Secretary and the District, if there is a dis-
23 crepancy between a map, acreage estimate, and legal
24 or other description of the land to be exchanged
25 under subsection (a), the map shall prevail.

1 (j) ~~REVOCATION OF ORDERS; WITHDRAWAL.—~~

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

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

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Sugar Loaf Fire Protec-*
 17 *tion District Land Exchange Act of 2009”.*

18 **SEC. 2. DEFINITIONS.**

19 *In this Act:*

20 (1) *DISTRICT.—The term “District” means the*
 21 *Sugar Loaf Fire Protection District of Boulder, Colo-*
 22 *rado.*

23 (2) *FEDERAL LAND.—The term “Federal land”*
 24 *means—*

1 (A) the parcel of approximately 1.52 acres
2 of land in the National Forest that is generally
3 depicted on the map numbered 1, entitled
4 “Sugarloaf Fire Protection District Proposed
5 Land Exchange”, and dated November 12, 2009;
6 and

7 (B) the parcel of approximately 3.56 acres
8 of land in the National Forest that is generally
9 depicted on the map numbered 2, entitled
10 “Sugarloaf Fire Protection District Proposed
11 Land Exchange”, and dated November 12, 2009.

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

15 (4) NON-FEDERAL LAND.—The term “non-Fed-
16 eral land” means the parcel of approximately 5.17
17 acres of non-Federal land in unincorporated Boulder
18 County, Colorado, that is generally depicted on the
19 map numbered 3, entitled “Sugarloaf Fire Protection
20 District Proposed Land Exchange”, and dated No-
21 vember 12, 2009.

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

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

2 (a) *IN GENERAL.*—Subject to the provisions of this
3 Act, if the District offers to convey to the Secretary all right,
4 title, and interest of the District in and to the non-Federal
5 land, and the offer is acceptable to the Secretary—

6 (1) *the Secretary shall accept the offer; and*

7 (2) *on receipt of acceptable title to the non-Fed-*
8 *eral land, the Secretary shall convey to the District*
9 *all right, title, and interest of the United States in*
10 *and to the Federal land.*

11 (b) *APPLICABLE LAW.*—Section 206 of the Federal
12 Land Policy and Management Act of 1976 (43 U.S.C. 1716)
13 shall apply to the land exchange authorized under sub-
14 section (a), except that—

15 (1) *the Secretary may accept a cash equalization*
16 *payment in excess of 25 percent of the value of the*
17 *Federal land; and*

18 (2) *as a condition of the land exchange under*
19 *subsection (a), the District shall—*

20 (A) *pay each cost relating to any land sur-*
21 *veys and appraisals of the Federal land and*
22 *non-Federal land; and*

23 (B) *enter into an agreement with the Sec-*
24 *retary that allocates any other administrative*
25 *costs between the Secretary and the District.*

1 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The land*
 2 *exchange under subsection (a) shall be subject to—*

3 (1) *valid existing rights; and*

4 (2) *any terms and conditions that the Secretary*
 5 *may require.*

6 (d) *TIME FOR COMPLETION OF LAND EXCHANGE.*—*It*
 7 *is the intent of Congress that the land exchange under sub-*
 8 *section (a) shall be completed not later than 1 year after*
 9 *the date of enactment of this Act.*

10 (e) *AUTHORITY OF SECRETARY TO CONDUCT SALE OF*
 11 *FEDERAL LAND.*—

12 (1) *IN GENERAL.*—*In accordance with para-*
 13 *graph (2), if the land exchange under subsection (a)*
 14 *is not completed by the date that is 1 year after the*
 15 *date of enactment of this Act, the Secretary may offer*
 16 *to sell to the District the Federal land.*

17 (2) *VALUE OF FEDERAL LAND.*—*The Secretary*
 18 *may offer to sell to the District the Federal land for*
 19 *the fair market value of the Federal land.*

20 (f) *DISPOSITION OF PROCEEDS.*—

21 (1) *IN GENERAL.*—*The Secretary shall deposit in*
 22 *the fund established under Public Law 90–171 (com-*
 23 *monly known as the “Sisk Act”) (16 U.S.C. 484a)*
 24 *any amount received by the Secretary as the result*
 25 *of—*

1 (A) any cash equalization payment made
2 under subsection (b); and

3 (B) any sale carried out under subsection
4 (e).

5 (2) *USE OF PROCEEDS.*—Amounts deposited
6 under paragraph (1) shall be available to the Sec-
7 retary, without further appropriation and until ex-
8 pended, for the acquisition of land or interests in
9 land in the National Forest.

10 (g) *MANAGEMENT AND STATUS OF ACQUIRED LAND.*—
11 The non-Federal land acquired by the Secretary under this
12 section shall be—

13 (1) added to, and administered as part of, the
14 National Forest; and

15 (2) managed by the Secretary in accordance
16 with—

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

20 (B) any laws (including regulations) appli-
21 cable to the National Forest.

22 (h) *REVOCATION OF ORDERS; WITHDRAWAL.*—

23 (1) *REVOCATION OF ORDERS.*—Any public order
24 withdrawing the Federal land from entry, appropri-
25 ation, or disposal under the public land laws is re-

1 voked to the extent necessary to permit the conveyance
2 of the Federal land to the District.

3 (2) *WITHDRAWAL.*—On the date of enactment of
4 this Act, if not already withdrawn or segregated from
5 entry and appropriation under the public land laws
6 (including the mining and mineral leasing laws) and
7 the Geothermal Steam Act of 1970 (30 U.S.C. 1001
8 et seq.), the Federal land is withdrawn until the date
9 of the conveyance of the Federal land to the District.

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[Report No. 111-131]

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.

MARCH 2, 2010

Reported with an amendment