

108TH CONGRESS
2D SESSION

H. R. 5142

To authorize and direct the exchange of certain lands in the State of Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2004

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

A BILL

To authorize and direct the exchange of certain lands 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 “Pitkin County Land
5 Exchange Act of 2004”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to authorize, direct, expe-
8 dite and facilitate the exchange and consolidation of lands
9 between Pitkin County, Colorado, the Aspen Valley Land

1 Trust and the United States in accordance with the terms
2 and conditions set forth herein.

3 **SEC. 3. DEFINITIONS.**

4 In this Act, the following definitions apply:

5 (1) The term “Federal land” means the land to
6 be transferred to Pitkin County, Colorado, by the
7 United States pursuant to this Act.

8 (2) The term “non-Federal land” means the
9 land to be transferred to the United States by Pitkin
10 County, Colorado, pursuant to this Act.

11 (3) The term “Pitkin County” means the coun-
12 ty of Pitkin, Colorado.

13 (4) The term “Secretary” means the Secretary
14 of Agriculture, unless otherwise specified.

15 (5) The term “Aspen Valley Land Trust”
16 means the non-profit Aspen Valley Land Trust, a
17 charitable organization as described in section
18 501(c)(3) of the Internal Revenue Code of 1986 (26
19 U.S.C. 501), or its successors, heirs, or assigns.

20 **SEC. 4. LAND EXCHANGE.**

21 (a) IN GENERAL.—Upon receipt of title to the non-
22 Federal lands described in subsection (b), the Secretary
23 and the Secretary of the Interior shall simultaneously con-
24 vey to Pitkin County, or to the Aspen Valley Land Trust,
25 if Pitkin County so requests, all right, title, and interest

1 of the United States in and to the Federal lands described
2 in subsection (b), subject to valid existing rights or encum-
3 brances and the requirements of subsections 5(a) and (b).

4 (b) CONVEYANCE OF NON-FEDERAL LANDS TO THE
5 UNITED STATES.—The non-Federal lands to be conveyed
6 to the United States pursuant to this Act are the fol-
7 lowing:

8 (1) Certain lands located in Pitkin County, Col-
9 orado, comprising approximately 35 acres, as gen-
10 erally depicted on a map entitled “Ryan Land Ex-
11 change—Ryan Property Conveyance to Forest Serv-
12 ice”, dated August 2004.

13 (2) Certain lands located on Smuggler Moun-
14 tain in Pitkin County, Colorado, comprising approxi-
15 mately 18.2 acres, as generally depicted on a map
16 entitled “Ryan Land Exchange—Smuggler Moun-
17 tain—Grand Turk and Pontiac Claims Conveyance
18 to Forest Service”, dated _____.

19 (c) FEDERAL LAND CONVEYANCE TO PITKIN COUN-
20 TY.—The Federal lands to be conveyed to Pitkin County,
21 or to the Aspen Valley Land Trust, if Pitkin County so
22 requests, pursuant to this Act are the following:

23 (1) Certain National Forest lands located in
24 Pitkin County, Colorado, comprising approximately
25 5.5 acres, as generally depicted on a map entitled

1 “Ryan Land Exchange—Wildwood Parcel Convey-
2 ance to Pitkin County”, dated August 2004.

3 (2) Certain National Forest lands located in
4 Pitkin County, comprising 12 separate parcels total-
5 ing approximately 5.92 acres, as generally depicted
6 on a map entitled “Ryan Land Exchange—Smug-
7 gler Mountain Patent Remnants—Conveyance to
8 Pitkin County”, dated August 2004.

9 (3) Certain lands under the jurisdiction of the
10 Bureau of Land Management located in Pitkin
11 County, Colorado, and comprising approximately 40
12 acres, as generally depicted on a map entitled “Ryan
13 Land Exchange—Crystal River Parcel Conveyance
14 to Pitkin County”.

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

16 (a) CRYSTAL RIVER PARCEL CONVEYANCE.—The
17 parcel identified in subsection 4(c)(3) shall not be con-
18 veyed to Pitkin County unless and until the County grants
19 to the Aspen Valley Land Trust, the Roaring Fork Con-
20 servancy, or both, or to another entity mutually agreeable
21 to the County and the Secretary of the Interior, a perma-
22 nent conservation easement, the terms of which are ac-
23 ceptable to the Secretary of the Interior and which pro-
24 vides public access to the parcel and limits future use of
25 the parcel to recreational, fish, and wildlife conservation,

1 and open space purposes. The requirement for such ease-
2 ment shall not affect the value of the parcel for purposes
3 the appraisals to be prepared pursuant to subsection (c).
4 In the deed of conveyance to the County, the Secretary
5 of the Interior shall provide that in the event the parcel
6 is ever used for other than such purposes, or Pitkin Coun-
7 ty or the entity or entities holding the conservation ease-
8 ment no longer wish to administer the parcel, title to the
9 parcel shall back revert to the United States at no cost
10 to the United States if the Secretary of the Interior deter-
11 mines that such a reversion is in the best interests of the
12 United States.

13 (b) WILDWOOD PARCEL CONVEYANCE AND RES-
14 ERVATION.—Prior to the conveyance to Pitkin County of
15 the parcel identified in subsection 4(c)(1), Pitkin County,
16 at its expense, shall deliver to the Secretary a quitclaim
17 deed to the parcel from any party who, prior to introduc-
18 tion of this Act, had asserted a claim of any right, title,
19 or interest in such parcel, and shall permanently relin-
20 quish any such claim against the United States in or to
21 the parcel. In the deed of conveyance of such parcel to
22 Pitkin County (or to the Aspen Valley Land Trust if
23 Pitkin County so requests) the Secretary shall reserve to
24 the United States a permanent easement, as determined
25 appropriate by the Secretary in consultation with Pitkin

1 County, for location, construction, and public use of the
2 East of Aspen Trail.

3 (c) EXCHANGE VALUATION.—The values of the Fed-
4 eral and non-Federal lands directed for exchange by this
5 Act shall be equal as determined by the Secretary through
6 appraisals performed in accordance with the Uniform Ap-
7 praisal Standards for Federal Land Acquisitions, the Uni-
8 form Standards of Professional Appraisal Practice, and
9 Forest Service appraisal instructions. If the values as de-
10 termined by the appraisals are not equal, equalization
11 shall be achieved as follows:

12 (1) If value is owed by the United States, the
13 County shall donate the excess value to the United
14 States, and such donation will be considered as a do-
15 nation for all purposes of law.

16 (2) If value is owed by Pitkin County, the
17 County shall equalize value by either—

18 (A) making a cash equalization payment to
19 the Secretary, the proceeds of which shall be
20 deposited in the fund established by Public Law
21 90–171 (commonly known as the “Sisk Act”) and
22 be available to the Secretary, without fur-
23 ther appropriation, for the acquisition of land
24 or interests in land for addition to the National
25 Forest System in the State of Colorado;

1 (B) conveying to the Secretary certain
2 lands located in Pitkin County, Colorado, and
3 comprising approximately 160 acres, as gen-
4 erally depicted on a map entitled “Sellar Park
5 Parcel”, dated August 2004; or

6 (C) any combination of (A) and (B) above
7 to which the County and the Secretary mutually
8 agree.

9 (d) EXCHANGE TIMING.—It is the intention of Con-
10 gress that the land exchange directed by this Act be con-
11 summated no later than 1 year after the date of enactment
12 of this Act, unless the Secretary and the Secretary of the
13 Interior and Pitkin County mutually agree otherwise.

14 **SEC. 6. MISCELLANEOUS PROVISIONS.**

15 (a) MANAGEMENT OF ACQUIRED LANDS.—Lands ac-
16 quired by the Secretary of Agriculture pursuant to this
17 Act shall become part of the White River National Forest
18 and be administered in accordance with the laws, rules,
19 and regulations generally applicable to the National For-
20 est System. For purposes of section 7 of the Land and
21 Water Conservation Fund Act of 1965, (16 U.S.C. 460l-
22 9), the boundaries of the White River National Forest
23 shall be deemed to be the boundaries of such forest as
24 of January 1, 1965.

1 (b) WITHDRAWAL AND REVOCATION OF ORDERS.—
2 Immediately upon enactment of this Act, if the Federal
3 land parcels are not already withdrawn or segregated from
4 entry or appropriation under the public land laws, includ-
5 ing the mining and mineral leasing laws and Geothermal
6 Steam Act of 1970 (30 U.S.C. 1001 et seq.) they are here-
7 by so withdrawn, subject to any valid existing rights, until
8 the date of their conveyance to Pitkin County. In addition,
9 any previously existing public land orders withdrawing the
10 Federal land from appropriation or disposal under the
11 public land laws are hereby revoked to the extent nec-
12 essary to permit disposal of the Federal land as directed
13 by this Act.

14 (c) WITHDRAWAL OF ACQUIRED LAND.—Upon their
15 acquisition by the United States, the non-Federal lands
16 acquired by the Secretary pursuant to this Act are hereby,
17 and without further action required by the Secretary or
18 the Secretary of the Interior, permanently withdrawn from
19 all forms of appropriation and disposition under the public
20 land laws, including the mining and mineral leasing laws,
21 and the Geothermal Steam Act of 1970.

22 (d) BOUNDARY ADJUSTMENTS, MAPS AND LEGAL
23 DESCRIPTIONS.—The Secretary concerned and Pitkin
24 County may mutually agree to make minor adjustments
25 in the boundaries of the Federal and non-Federal lands

1 to be conveyed pursuant to this Act, and may also, at their
2 sole discretion, mutually agree to modifications or dele-
3 tions of the Federal or non-Federal land parcels and min-
4 ing claim remnants to be exchanged on Smuggler Moun-
5 tain. In the event of any discrepancy between a map, acre-
6 age estimate and legal or other description of the lands
7 involved in the exchange, the map shall prevail unless the
8 Secretary concerned and Pitkin County mutually agree
9 otherwise.

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