

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 100

To authorize the exchange of certain land in the State of Colorado.

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IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. ALLARD (for himself and Mr. SALAZAR) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To authorize the exchange of certain land in the State of  
Colorado.

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 2005”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to authorize, direct, expe-  
8       dite, and facilitate the exchange of land between the  
9       United States, Pitkin County, Colorado, and the Aspen  
10      Valley Land Trust.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ASPEN VALLEY LAND TRUST.—

4 (A) IN GENERAL.—The term “Aspen Val-  
5 ley Land Trust” means the Aspen Valley Land  
6 Trust, a nonprofit organization as described in  
7 section 501(c)(3) of the Internal Revenue Code  
8 of 1986.

9 (B) INCLUSIONS.—The term “Aspen Val-  
10 ley Land Trust” includes any successor, heir, or  
11 assign of the Aspen Valley Land Trust.

12 (2) COUNTY.—The term “County” means  
13 Pitkin County, a political subdivision of the State.

14 (3) FEDERAL LAND.—The term “Federal land”  
15 means the land directed for exchange between the  
16 United States Forest Service, the Bureau of Land  
17 Management, and Pitkin County under this Act that  
18 is comprised of the following parcels:

19 (A) The approximately 5.5 acres of Na-  
20 tional Forest System land located in the Coun-  
21 ty, as generally depicted on the map entitled  
22 “Ryan Land Exchange-Wildwood Parcel Con-  
23 veyance to Pitkin County” and dated August  
24 2004.

25 (B) The 12 parcels of National Forest Sys-  
26 tem land located in the County totaling ap-

1           proximately 5.92 acres, as generally depicted on  
2           the map entitled “Ryan Land Exchange-Smug-  
3           gler Mountain Patent Remnants-Conveyance to  
4           Pitkin County” and dated August 2004.

5           (C) The approximately 40 acres of Bureau  
6           of Land management land located in the Coun-  
7           ty, as generally depicted on the map entitled  
8           “Ryan Land Exchange-Crystal River Parcel  
9           Conveyance to Pitkin County” and dated Au-  
10          gust 2004.

11          (4) NON-FEDERAL LAND.—The term “non-Fed-  
12          eral land” means the land directed for exchange be-  
13          tween Pitkin County and the United States Forest  
14          Service under this Act that is comprised of the fol-  
15          lowing parcels:

16                (A) The approximately 35 acres of non-  
17                Federal land in the County, as generally de-  
18                picted on the map entitled “Ryan Land Ex-  
19                change-Ryan Property Conveyance to Forest  
20                Service” and dated August 2004.

21                (B) The approximately 18.2 acres of non-  
22                Federal land located on Smuggler Mountain in  
23                the County, as generally depicted on the map  
24                entitled “Ryan Land Exchange-Smuggler

1 Mountain-Grand Turk and Pontiac Claims Con-  
2 veyance to Forest Service”.

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

5 (6) STATE.—The term “State” means the State  
6 of Colorado.

7 **SEC. 4. LAND EXCHANGE.**

8 (a) IN GENERAL.—If the County offers to convey to  
9 the United States title to the non-Federal land that is ac-  
10 ceptable to the Secretary, the Secretary and the Secretary  
11 of the Interior shall—

12 (1) accept the offer; and

13 (2) on receipt of acceptable title to the non-  
14 Federal land, simultaneously convey to the County,  
15 or at the request of the County, to the Aspen Valley  
16 Land Trust, all right, title, and interest of the  
17 United States in and to the Federal land, subject to  
18 all valid existing rights and encumbrances.

19 (b) TIMING.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), it is the intent of Congress that the land  
22 exchange directed by this Act shall be completed not  
23 later than 1 year after the date of enactment of this  
24 Act.

1           (2) EXCEPTION.—The Secretary, the Secretary  
2           of the Interior, and the County may agree to extend  
3           the deadline specified in paragraph (1).

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

5           (a) EQUAL VALUE EXCHANGE.—The value of the  
6 Federal land and non-Federal land directed to be ex-  
7 changed under this Act—

8                 (1) shall be equal; or

9                 (2) shall be made equal in accordance with sub-  
10            section (c).

11           (b) APPRAISALS.—

12                 (1) IN GENERAL.—The value of the Federal  
13 land and non-Federal land shall be determined by  
14 the Secretary through appraisals conducted in ac-  
15 cordance with—

16                     (A) the Uniform Appraisal Standards for  
17                     Federal Land Acquisitions;

18                     (B) the Uniform Standards of Professional  
19                     Appraisal Practice; and

20                     (C) Forest Service appraisal instructions.

21                 (2) VALUE OF CERTAIN FEDERAL LAND.—In  
22 conducting the appraisal of the parcel of Federal  
23 land described in section 3(3)(C), the appraiser shall  
24 not consider the easement required for that parcel

1 under subsection (d)(1) for purposes of determining  
2 the value of that parcel.

3 (c) EQUALIZATION OF VALUES.—

4 (1) SURPLUS OF NON-FEDERAL LAND.—If the  
5 final appraised value of the non-Federal land ex-  
6 ceeds the final appraised value of the Federal land,  
7 the County shall donate to the United States the ex-  
8 cess value of the non-Federal land, which shall be  
9 considered to be a donation for all purposes of law.

10 (2) SURPLUS OF FEDERAL LAND.—

11 (A) IN GENERAL.—If the final appraised  
12 value of the Federal land exceeds the final ap-  
13 praised value of the non-Federal land, the value  
14 of the Federal land and non-Federal land may  
15 be equalized by the County—

16 (i) making a cash equalization pay-  
17 ment to the Secretary;

18 (ii) conveying to the Secretary certain  
19 land located in the County, comprising ap-  
20 proximately 160 acres, as generally de-  
21 picted on the map entitled “Sellar Park  
22 Parcel” and dated August 2004; or

23 (iii) using a combination of the meth-  
24 ods described in clauses (i) and (ii), as the

1 Secretary and the County determine to be  
2 appropriate.

3 (B) DISPOSITION AND USE OF PRO-  
4 CEEDS.—

5 (i) DISPOSITION OF PROCEEDS.—Any  
6 cash equalization payment received by the  
7 Secretary under subparagraph (A)(i) shall  
8 be deposited in the fund established by  
9 Public Law 90–171 (commonly known as  
10 the “Sisk Act”) (16 U.S.C. 484a).

11 (ii) USE OF PROCEEDS.—Amounts de-  
12 posited under clause (i) shall be available  
13 to the Secretary, without further appro-  
14 priation, for the acquisition of land or an  
15 interest in land in the State for addition to  
16 the National Forest System.

17 (d) CONDITIONS ON CERTAIN CONVEYANCES.—

18 (1) CONDITIONS ON CONVEYANCE OF CRYSTAL  
19 RIVER PARCEL.—

20 (A) IN GENERAL.—The Secretary of the  
21 Interior shall not convey to the County the par-  
22 cel of land described in section 3(3)(C) until the  
23 County grants to the Aspen Valley Land Trust,  
24 the Roaring Fork Conservancy, or any other en-  
25 tity acceptable to the Secretary of the Interior

1 and the County, a permanent conservation ease-  
2 ment to the parcel, the terms of which—

3 (i)(I) provide public access to the par-  
4 cel; and

5 (II) require that the parcel shall be  
6 used only for recreational, fish and wildlife  
7 conservation, and open space purposes;  
8 and

9 (ii) are acceptable to the Secretary of  
10 the Interior.

11 (B) REVERSION.—In the deed of convey-  
12 ance that conveys the parcel of land described  
13 in section 3(3)(C) to the County, the Secretary  
14 of the Interior shall provide that title to the  
15 parcel shall revert to the United States at no  
16 cost to the United States if—

17 (i) the parcel is used for a purpose  
18 other than that described in subparagraph  
19 (A)(i)(II); or

20 (ii) the County or the entity holding  
21 the conservation easement elect to dis-  
22 continue administering the parcel.

23 (2) CONDITIONS ON CONVEYANCE OF WILD-  
24 WOOD PARCEL.—

1           (A) IN GENERAL.—Before the Secretary  
2           conveys to the County the parcel described in  
3           section 3(3)(A), the Secretary shall require the  
4           County, at the expense of the County, to trans-  
5           mit to the Secretary a quitclaim deed to the  
6           parcel that permanently relinquishes any claim  
7           that, before the date of introduction of this Act,  
8           was brought against the United States assert-  
9           ing the right, title, or interest of the claimant  
10          in and to the parcel.

11          (B) RESERVATION OF EASEMENT.—In the  
12          deed of conveyance of the parcel described in  
13          section 3(3)(A) to the County, or at request of  
14          the County, to the Aspen Valley Land Trust,  
15          the Secretary shall, as determined to be appro-  
16          priate by the Secretary in consultation with the  
17          County, reserve to the United States a perma-  
18          nent easement to the parcel for the location,  
19          construction, and public use of the East of  
20          Aspen Trail.

21 **SEC. 6. MISCELLANEOUS PROVISIONS.**

22          (a) INCORPORATION, MANAGEMENT, AND STATUS OF  
23          ACQUIRED LAND.—

1           (1) IN GENERAL.—Land acquired by the Sec-  
2           retary under this Act shall become part of the White  
3           River National Forest.

4           (2) MANAGEMENT.—On acquisition, land ac-  
5           quired by the Secretary under this Act shall be ad-  
6           ministered in accordance with the laws (including  
7           rules and regulations) generally applicable to the  
8           National Forest System.

9           (3) LAND AND WATER CONSERVATION FUND.—  
10          For purposes of section 7 of the Land and Water  
11          Conservation Fund Act of 1965 (16 U.S.C. 460l–9),  
12          the boundaries of the White River National Forest  
13          shall be deemed to be the boundaries of the White  
14          River National Forest as of January 1, 1965.

15          (b) REVOCATION OF ORDERS AND WITHDRAWAL.—

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

21               (2) WITHDRAWAL OF FEDERAL LAND.—On the  
22               date of enactment of this Act, if not already with-  
23               drawn or segregated from entry and appropriation  
24               under the public land laws (including the mining and  
25               mineral leasing laws) and the Geothermal Steam Act

1 of 1970 (30 U.S.C. 1001 et seq.), the Federal land  
2 is withdrawn, subject to valid existing rights, until  
3 the date of the conveyance of the Federal land to the  
4 County.

5 (3) WITHDRAWAL OF NON-FEDERAL LAND.—  
6 On acquisition of the non-Federal land by the Sec-  
7 retary, the non-Federal land is permanently with-  
8 drawn from all forms of appropriation and disposi-  
9 tion under the public land laws (including the min-  
10 ing and mineral leasing laws) and the Geothermal  
11 Steam Act of 1970 (30 U.S.C. 1001 et seq.).

12 (c) BOUNDARY ADJUSTMENTS.—The Secretary with  
13 jurisdiction over the land and the County may agree to—

14 (1) minor adjustments to the boundaries of the  
15 Federal land and non-Federal land; and

16 (2) modifications or deletions of parcels and  
17 mining claim remnants of Federal land or non-Fed-  
18 eral land to be exchanged on Smuggler Mountain.

19 (d) MAP.—If there is a discrepancy between a map,  
20 acreage estimate, and legal or other description of the land  
21 to be exchanged under this Act, the map shall prevail un-  
22 less the Secretary with jurisdiction over the land and the  
23 County agree otherwise.

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