

108TH CONGRESS
2^D SESSION

S. 2180

AN ACT

To direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests 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 “Arapaho and Roosevelt
5 National Forests Land Exchange Act of 2004”.

1 **SEC. 2. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NA-**
2 **TIONAL FORESTS, COLORADO.**

3 (a) CONVEYANCE BY CITY OF GOLDEN.—

4 (1) NON-FEDERAL LAND DESCRIBED.—The
5 land exchange directed by this section shall proceed
6 if, not later than 30 days after the date of enact-
7 ment of this Act, the City of Golden, Colorado (re-
8 ferred to in this section as the “City”), offers to
9 convey title acceptable to the Secretary of Agri-
10 culture (referred to in this section as the “Sec-
11 retary”) to the following non-Federal land:

12 (A) Certain land located near the commu-
13 nity of Evergreen in Park County, Colorado,
14 comprising approximately 80 acres, as generally
15 depicted on the map entitled “Non-Federal
16 Lands—Cub Creek Parcel”, dated June 2003.

17 (B) Certain land located near Argentine
18 Pass in Clear Creek and Summit Counties, Col-
19 orado, comprising approximately 55.909 acres,
20 as generally depicted on the map entitled “Ar-
21 gentine Pass/Continental Divide Trail Lands”,
22 dated September 2003.

23 (2) CONDITIONS OF CONVEYANCE.—

24 (A) VIDLER TUNNEL.—The conveyance of
25 land under paragraph (1)(B) to the Secretary
26 shall be subject to the continuing right of the

1 City to permanently enter on, use, and occupy
2 so much of the surface and subsurface of the
3 land as reasonably is necessary to access, main-
4 tain, modify, or otherwise use the Vidler Tunnel
5 to the same extent that the City would have
6 had that right if the land had not been con-
7 veyed to the Secretary and remained in City
8 ownership.

9 (B) ADVANCE APPROVAL.—The exercise of
10 that right shall not require the City to secure
11 any permit or other advance approval from the
12 United States except to the extent that the City
13 would have been required had the land not been
14 conveyed to the Secretary and remained in City
15 ownership.

16 (C) WITHDRAWAL.—On acquisition by the
17 Secretary, the land is permanently withdrawn
18 from all forms of entry and appropriation under
19 the public land laws (including the mining and
20 mineral leasing laws) and the Geothermal
21 Steam Act of 1970 (30 U.S.C. 1001 et seq.).

22 (b) FEDERAL LAND DESCRIBED.—On receipt of title
23 to the non-Federal land identified in subsection (a) that
24 is acceptable to the Secretary, the Secretary shall simulta-
25 neously convey to the City all right, title, and interest of

1 the United States in and to certain Federal land, com-
2 prising approximately 9.84 acres, as generally depicted on
3 the map entitled “Empire Federal Lands—Parcel 12”,
4 dated June 2003.

5 (c) EQUAL VALUE EXCHANGE.—

6 (1) APPRAISAL.—

7 (A) IN GENERAL.—The values of the Fed-
8 eral land identified in subsection (b) and the
9 non-Federal land identified in subsection
10 (a)(1)(A) shall be determined by the Secretary
11 through appraisals performed in accordance
12 with the Uniform Appraisal Standards for Fed-
13 eral Land Acquisitions and the Uniform Stand-
14 ards of Professional Appraisal Practice.

15 (B) DONATION.—Except as provided in
16 paragraph (3), the conveyance of the non-Fed-
17 eral land identified in subsection (a)(1)(B) shall
18 be considered a donation for all purposes of
19 law.

20 (2) SURPLUS OF NON-FEDERAL VALUE.—If the
21 final appraised value (as approved by the Secretary)
22 of the non-Federal land identified in subsection
23 (a)(1)(A) exceeds the final appraised value (as ap-
24 proved by the Secretary) of the Federal land identi-

1 fied in subsection (b), the values may be equalized
2 by—

3 (A) reducing the acreage of the non-Fed-
4 eral land identified in subsection (a)(1)(A) to be
5 conveyed, as determined appropriate and ac-
6 ceptable by the Secretary and the City;

7 (B) making a cash equalization payment to
8 the City, including a cash equalization payment
9 in excess of the amount authorized by section
10 206(b) of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1716(b)); or

12 (C) a combination of acreage reduction
13 and cash equalization.

14 (3) SURPLUS OF FEDERAL VALUE.—

15 (A) APPRAISAL.—If the final appraised
16 value (as approved by the Secretary) of the
17 Federal land identified in subsection (b) exceeds
18 the final appraised value (as approved by the
19 Secretary) of the non-Federal land identified in
20 subsection (a)(1)(A), the Secretary shall—

21 (i) conduct an appraisal in accordance
22 with the Uniform Appraisal Standards for
23 Federal Land Acquisitions and the Uni-
24 form Standards of Professional Appraisal
25 Practice for the non-Federal land to be

1 conveyed pursuant to subsection (a)(1)(B);
2 and

3 (ii) use the value to the extent nec-
4 essary to equalize the values of the non-
5 Federal land identified in subsection
6 (a)(1)(A) and the Federal land identified
7 in subsection (b).

8 (B) CASH EQUALIZATION PAYMENT.—If
9 the Secretary declines to accept the non-Federal
10 land identified in subsection (a)(1)(B) for any
11 reason or if the value of the Federal land de-
12 scribed in subsection (b) exceeds the value of all
13 of the non-Federal land described in subsection
14 (a)(1), the City may make a cash equalization
15 payment to the Secretary, including a cash
16 equalization payment in excess of the amount
17 authorized by section 206(b) of the Federal
18 Land Policy and Management Act of 1976 (43
19 U.S.C. 1716(b)).

20 (d) EXCHANGE COSTS.—The City shall pay for—

21 (1) any necessary land surveys; and

22 (2) the costs of the appraisals, on approval of
23 the appraiser and the issuance of appraisal instruc-
24 tions.

25 (e) TIMING AND INTERIM AUTHORIZATION.—

1 (1) TIMING.—It is the intent of Congress that
2 the land exchange directed by this Act shall be com-
3 pleted not later than 180 days after the date of en-
4 actment of this Act.

5 (2) INTERIM AUTHORIZATION.—Pending com-
6 pletion of the land exchange, not later than 45 days
7 after the date of enactment of this Act, subject to
8 applicable law, the Secretary shall authorize the City
9 to construct approximately 140 feet of water pipeline
10 on or near the existing course of the Lindstrom
11 ditch through the Federal land identified in sub-
12 section (b).

13 (f) ALTERNATIVE SALE AUTHORITY.—

14 (1) IN GENERAL.—If the land exchange is not
15 completed for any reason, the Secretary shall sell the
16 Federal land identified in subsection (b) to the City
17 at the final appraised value of the land, as approved
18 by the Secretary.

19 (2) SISK ACT.—Public Law 90–171 (commonly
20 known as the “Sisk Act”) (16 U.S.C. 484a) shall,
21 without further appropriation, apply to any cash
22 equalization payment received by the United States
23 under this section.

24 (g) INCORPORATION, MANAGEMENT, AND STATUS OF
25 ACQUIRED LAND.—

1 (1) INCORPORATION.—Land acquired by the
2 United States under the land exchange shall become
3 part of the Arapaho and Roosevelt National Forests.

4 (2) BOUNDARY.—The exterior boundary of the
5 Forests is modified, without further action by the
6 Secretary, as necessary to incorporate—

7 (A) the non-Federal land identified in sub-
8 section (a); and

9 (B) approximately an additional 80 acres
10 as depicted on the map entitled “Arapaho and
11 Roosevelt National Forest Boundary Adjust-
12 ment—Cub Creek”, dated June 2003.

13 (3) ADMINISTRATION.—On acquisition, land or
14 interests in land acquired under this section shall be
15 administered in accordance with the laws (including
16 rules and regulations) generally applicable to the
17 National Forest System.

18 (4) LAND AND WATER CONSERVATION FUND.—
19 For purposes of section 7 of the Land and Water
20 Conservation Fund Act of 1965 (16 U.S.C. 460l–9),
21 the boundaries of the Arapaho and Roosevelt Na-
22 tional Forests (as adjusted by this subsection) shall
23 be deemed to be the boundaries of the Forests as of
24 January 1, 1965.

1 (h) TECHNICAL CORRECTIONS.—The Secretary, with
2 the agreement of the City, may make technical corrections
3 or correct clerical errors in the maps referred to in this
4 section.

5 (i) REVOCATION OF ORDERS AND WITHDRAWAL.—

6 (1) REVOCATION OF ORDERS.—Any public or-
7 ders withdrawing any of the Federal land identified
8 in subsection (b) from appropriation or disposal
9 under the public land laws are revoked to the extent
10 necessary to permit disposal of the Federal land.

11 (2) WITHDRAWAL.—On the date of enactment
12 of this Act, if not already withdrawn or segregated
13 from entry and appropriation under the public land
14 laws (including the mining and mineral leasing laws)
15 and the Geothermal Steam Act of 1970 (30 U.S.C.
16 1001 et seq.), the Federal land identified in sub-
17 section (b) is withdrawn until the date of the convey-
18 ance of the Federal land to the City.

Passed the Senate September 15, 2004.

Attest:

Secretary.

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