

108TH CONGRESS
2D SESSION

S. 2180

To direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2004

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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”.

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

8 (a) CONVEYANCE BY THE CITY OF GOLDEN.—

9 (1) LANDS DESCRIBED.—The land exchange di-
10 rected by this section shall proceed if, within 30

1 days after the date of the enactment of this Act, the
2 City of Golden, Colorado (in the section referred to
3 as the “City”), offers to convey title acceptable to
4 the United States to the following non-Federal
5 lands:

6 (A) Certain lands located near the commu-
7 nity of Evergreen in Park County, Colorado,
8 comprising approximately 80 acres, as generally
9 depicted on a map entitled “Non-Federal
10 Lands—Cub Creek Parcel”, dated June, 2003.

11 (B) Certain lands located near Argentine
12 Pass in Clear Creek and Summit Counties, Col-
13 orado, comprising approximately 55.909 acres
14 in 14 patented mining claims, as generally de-
15 picted on a map entitled “Argentine Pass/Con-
16 tinental Divide Trail Lands”, dated September
17 2003.

18 (2) CONDITIONS OF CONVEYANCE.—The con-
19 veyance of lands under paragraph (1)(B) to the
20 United States shall be subject to the absolute right
21 of the City to permanently enter upon, utilize, and
22 occupy so much of the surface and subsurface of the
23 lands as may be reasonably necessary to access,
24 maintain, repair, modify, make improvements in, or
25 otherwise utilize the Vidler Tunnel to the same ex-

1 tent that the City would have had such right if the
2 lands had not been conveyed to the United States
3 and remained in City ownership. The exercise of
4 such right shall not require the City to secure any
5 permit or other advance approval from the United
6 States. Upon acquisition by the United States, such
7 lands are hereby permanently withdrawn from all
8 forms of entry and appropriation under the public
9 land laws, including the mining and mineral leasing
10 laws, and the Geothermal Steam Act of 1970 (30
11 U.S.C. 1001 et seq.).

12 (b) CONVEYANCE BY UNITED STATES.—Upon re-
13 ceipt of acceptable title to the non-Federal lands identified
14 in subsection (a), the Secretary of Agriculture shall simul-
15 taneously convey to the City all right, title and interest
16 of the United States in and to certain Federal lands, com-
17 prising approximately 9.84 acres, as generally depicted on
18 a map entitled “Empire Federal Lands—Parcel 12”,
19 dated June 2003.

20 (c) EQUAL VALUE EXCHANGE.—

21 (1) APPRAISAL.—The values of the Federal
22 lands identified in subsection (b) and the non-Fed-
23 eral lands identified in subsection (a)(1)(A) shall be
24 determined by the Secretary through appraisals per-
25 formed in accordance with the Uniform Appraisal

1 Standards for Federal Land Acquisitions (December
2 20, 2000) and the Uniform Standards of Profes-
3 sional Appraisal Practice. Except as provided in
4 paragraph (3), the conveyance of the non-Federal
5 lands identified in subsection (a)(1)(B) shall be con-
6 sidered a donation for all purposes of law.

7 (2) SURPLUS OF NON-FEDERAL VALUE.—If the
8 final appraised value, as approved by the Secretary,
9 of the non-Federal lands identified in subsection
10 (a)(1)(A) exceeds the final appraised value, as ap-
11 proved by the Secretary, of the Federal land identi-
12 fied in subsection (b), the values may be equalized—

13 (A) by reducing the acreage of the non-
14 Federal lands identified in subsection (a) to be
15 conveyed, as determined appropriate and ac-
16 ceptable by the Secretary and the City;

17 (B) the making of a cash equalization pay-
18 ment to the City, including a cash equalization
19 payment in excess of the amount authorized by
20 section 206(b) of the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1716(b));
22 or

23 (C) a combination of acreage reduction
24 and cash equalization.

1 (3) SURPLUS OF FEDERAL VALUE.—If the final
 2 appraised value, as approved by the Secretary, of the
 3 Federal land identified in subsection (b) exceeds the
 4 final appraised value, as approved by the Secretary,
 5 of the non-Federal lands identified in subsection
 6 (a)(1)(A), the Secretary shall prepare a statement of
 7 value for the non-Federal lands identified in sub-
 8 section (a)(1)(B) and utilize such value to the extent
 9 necessary to equalize the values of the non-Federal
 10 lands identified in subsection (a)(1)(A) and the Fed-
 11 eral land identified in subsection (b). If the Sec-
 12 retary declines to accept the non-Federal lands iden-
 13 tified in subsection (a)(1)(B) for any reason, the
 14 City shall make a cash equalization payment to the
 15 Secretary as necessary to equalize the values of the
 16 non-Federal lands identified in subsection (a)(1)(A)
 17 and the Federal land identified in subsection (b).

18 (d) EXCHANGE COSTS.—To expedite the land ex-
 19 change under this section and save administrative costs
 20 to the United States, the City shall be required to pay
 21 for—

22 (1) any necessary land surveys; and

23 (2) the costs of the appraisals, which shall be
 24 performed in accordance with Forest Service policy

1 on approval of the appraiser and the issuance of ap-
2 praisal instructions.

3 (e) TIMING AND INTERIM AUTHORIZATION.—It is the
4 intent of Congress that the land exchange directed by this
5 Act shall be completed no later than 120 days after the
6 date of the enactment of this Act. Pending completion of
7 the land exchange, the City is authorized, effective on the
8 date of the enactment of this Act, to construct a water
9 pipeline on or near the existing course of the Lindstrom
10 ditch through the Federal land identified in subsection (b)
11 without further action or authorization by the Secretary,
12 except that, prior to initiating any such construction, the
13 City shall execute and convey to the Secretary a legal doc-
14 ument that permanently holds the United States harmless
15 for any and all liability arising from the construction of
16 such water pipeline and indemnifies the United States
17 against all costs arising from the United States' ownership
18 of the Federal land, and any actions, operations or other
19 acts of the City or its licensees, employees, or agents in
20 constructing such water pipeline or engaging in other acts
21 on the Federal land prior to its transfer to the City. Such
22 encumbrance on the Federal land prior to conveyance shall
23 not be considered for purposes of the appraisal.

24 (f) ALTERNATIVE SALE AUTHORITY.—If the land ex-
25 change is not completed for any reason, the Secretary is

1 hereby authorized and directed to sell the Federal land
2 identified in subsection (b) to the City at its final ap-
3 praised value, as approved by the Secretary. Any money
4 received by the United States in such sale shall be consid-
5 ered money received and deposited pursuant to Public
6 Law 90–171 (16 U.S.C. 484(a); commonly known as the
7 “Sisk Act”, and may be used, without further appropria-
8 tion, for the acquisition of lands for addition to the Na-
9 tional Forest System in the State of Colorado.

10 (g) INCORPORATION, MANAGEMENT, AND STATUS OF
11 ACQUIRED LANDS.—Land acquired by the United States
12 under the land exchange shall become part of the Arapaho
13 and Roosevelt National Forests, and the exterior boundary
14 of such forest is hereby modified, without further action
15 by the Secretary, as necessary to incorporate the non-Fed-
16 eral lands identified in subsection (a) and an additional
17 40 acres as depicted on a map entitled “Arapaho and Roo-
18 sevelt National Forest Boundary Adjustment—Cub
19 Creek”, dated June 2003. Upon their acquisition, lands
20 or interests in land acquired under the authority of this
21 Act shall be administered in accordance with the laws,
22 rules and regulations generally applicable to the National
23 Forest System. For purposes of Section 7 of the Land
24 and Water Conservation Fund Act of 1965 (16 U.S.C.
25 4601–9), the boundaries of the Arapaho and Roosevelt Na-

1 tional Forests, as adjusted by this subsection shall be
2 deemed to be the boundaries of such forest as of January
3 1, 1965.

4 (h) TECHNICAL CORRECTIONS.—The Secretary, with
5 the agreement of the City, may make technical corrections
6 or correct clerical errors in the maps referred to in this
7 section or adjust the boundaries of the Federal lands to
8 leave the United States with a manageable post-exchange
9 or sale boundary. In the event of any discrepancy between
10 a map, acreage estimate, or legal description, the map
11 shall prevail unless the Secretary and the City agree other-
12 wise.

13 (i) REVOCATION OF ORDERS AND WITHDRAWAL.—
14 Any public orders withdrawing any of the Federal lands
15 identified in subsection (b) from appropriation or disposal
16 under the public land laws are hereby revoked to the ex-
17 tent necessary to permit disposal of the Federal lands.
18 Upon the enactment of this Act, if not already withdrawn
19 or segregated from the entry and appropriation under the
20 public land laws, including the mining and mineral leasing
21 laws and the Geothermal Steam Act of 1970 (30 U.S.C.
22 1001 et seq.), the Federal lands are hereby withdrawn
23 until the date of their conveyance to the City.

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