

108TH CONGRESS  
2D SESSION

# S. 2904

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2004

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural 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 2004”.

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—

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

22 (B) the 12 parcels of National Forest Sys-  
23 tem land located in the County totaling ap-  
24 proximately 5.92 acres, as generally depicted on  
25 the map entitled “Ryan Land Exchange-Smug-

1 gler Mountain Patent Remnants-Conveyance to  
2 Pitkin County” and dated August 2004; and

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

9 (4) NON-FEDERAL LAND.—The term “non-Fed-  
10 eral land” means—

11 (A) the approximately 35 acres of non-  
12 Federal land in the County, as generally de-  
13 picted on the map entitled “Ryan Land Ex-  
14 change-Ryan Property Conveyance to Forest  
15 Service” and dated August 2004; and

16 (B) the approximately 18.2 acres of non-  
17 Federal land located on Smuggler Mountain in  
18 the County, as generally depicted on the map  
19 entitled “Ryan Land Exchange-Smuggler  
20 Mountain-Grand Turk and Pontiac Claims Con-  
21 veyance to Forest Service”.

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

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

1 **SEC. 4. LAND EXCHANGE.**

2 (a) IN GENERAL.—If the County offers to convey to  
3 the United States title to the non-Federal land that is ac-  
4 ceptable to the Secretary, the Secretary and the Secretary  
5 of the Interior shall—

6 (1) accept the offer; and

7 (2) on receipt of acceptable title to the non-  
8 Federal land, simultaneously convey to the County,  
9 or at the request of the County, to the Aspen Valley  
10 Land Trust, all right, title, and interest of the  
11 United States in and to the Federal land, subject to  
12 all valid existing rights and encumbrances.

13 (b) TIMING.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graph (2), it is the intent of Congress that the land  
16 exchange directed by this Act shall be completed not  
17 later than 1 year after the date of enactment of this  
18 Act.

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

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

23 (a) EQUAL VALUE EXCHANGE.—The value of the  
24 Federal land and non-Federal land to be exchanged under  
25 this Act—

26 (1) shall be equal; or

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

3       (b) APPRAISALS.—

4           (1) IN GENERAL.—The value of the Federal  
5       land and non-Federal land shall be determined by  
6       the Secretary through appraisals conducted in ac-  
7       cordance with—

8           (A) the Uniform Appraisal Standards for  
9       Federal Land Acquisitions;

10          (B) the Uniform Standards of Professional  
11       Appraisal Practice; and

12          (C) Forest Service appraisal instructions.

13          (2) VALUE OF CERTAIN FEDERAL LAND.—In  
14       conducting the appraisal of the parcel of Federal  
15       land described in section 3(3)(C), the appraiser shall  
16       not consider the easement required for that parcel  
17       under subsection (d)(1) for purposes of determining  
18       the value of that parcel.

19       (c) EQUALIZATION OF VALUES.—

20          (1) SURPLUS OF NON-FEDERAL LAND.—If the  
21       final appraised value of the non-Federal land ex-  
22       ceeds the final appraised value of the Federal land,  
23       the County shall donate to the United States the ex-  
24       cess value of the non-Federal land, which shall be  
25       considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled “Sellar Park Parcel” and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii), as the Secretary and the County determine to be appropriate.

(B) DISPOSITION AND USE OF PROCEEDS.—

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

1                   (ii) USE OF PROCEEDS.—Amounts de-  
 2                   posited under clause (i) shall be available  
 3                   to the Secretary, without further appro-  
 4                   priation, for the acquisition of land or an  
 5                   interest in land in the State for addition to  
 6                   the National Forest System.

7           (d) CONDITIONS ON CERTAIN CONVEYANCES.—

8                   (1) CONDITIONS ON CONVEYANCE OF CRYSTAL  
 9           RIVER PARCEL.—

10                   (A) IN GENERAL.—The Secretary of the  
 11           Interior shall not convey to the County the par-  
 12           cel of land described in section 3(3)(C) until the  
 13           County grants to the Aspen Valley Land Trust,  
 14           the Roaring Fork Conservancy, or any other en-  
 15           tity acceptable to the Secretary of the Interior  
 16           and the County, a permanent conservation ease-  
 17           ment to the parcel, the terms of which—

18                   (i)(I) provide public access to the par-  
 19           cel; and

20                   (II) require that the parcel shall be  
 21           used only for recreational, fish and wildlife  
 22           conservation, and open space purposes;  
 23           and

24                   (ii) are acceptable to the Secretary of  
 25           the Interior.

(B) REVERSION.—In the deed of conveyance that conveys the parcel of land described in section 3(3)(C) to the County, the Secretary of the Interior shall provide that title to the parcel shall revert to the United States at no cost to the United States if—

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

(ii) the County or the entity holding the conservation easement elect to discontinue administering the parcel.

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—

(A) IN GENERAL.—Before the Secretary conveys to the County the parcel described in section 3(3)(A), the Secretary shall require the County, at the expense of the County, to transmit to the Secretary a quitclaim deed to the parcel that permanently relinquishes any claim that, before the date of introduction of this Act, was brought against the United States asserting the right, title, or interest of the claimant in and to the parcel.



1 (B) RESERVATION OF EASEMENT.—In the  
 2 deed of conveyance of the parcel described in  
 3 section 3(3)(A) to the County, or at request of  
 4 the County, to the Aspen Valley Land Trust,  
 5 the Secretary shall, as determined to be appro-  
 6 priate by the Secretary in consultation with the  
 7 County, reserve to the United States a perma-  
 8 nent easement to the parcel for the location,  
 9 construction, and public use of the East of  
 10 Aspen Trail.

11 **SEC. 6. MISCELLANEOUS PROVISIONS.**

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

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

17 (2) MANAGEMENT.—On acquisition, land ac-  
 18 quired by the Secretary under this Act shall be ad-  
 19 ministered in accordance with the laws (including  
 20 rules and regulations) generally applicable to the  
 21 National Forest System.

22 (3) LAND AND WATER CONSERVATION FUND.—  
 23 For purposes of section 7 of the Land and Water  
 24 Conservation Fund Act of 1965 (16 U.S.C. 460l–9),  
 25 the boundaries of the White River National Forest

1 shall be deemed to be the boundaries of the White  
2 River National Forest as of January 1, 1965.

3 (b) REVOCATION OF ORDERS AND WITHDRAWAL.—

4 (1) REVOCATION OF ORDERS.—Any public or-  
5 ders withdrawing any of the Federal land from ap-  
6 propriation or disposal under the public land laws  
7 are revoked to the extent necessary to permit dis-  
8 posal of the Federal land.

9 (2) WITHDRAWAL OF FEDERAL LAND.—On the  
10 date of enactment of this Act, if not already with-  
11 drawn or segregated from entry and appropriation  
12 under the public land laws (including the mining and  
13 mineral leasing laws) and the Geothermal Steam Act  
14 of 1970 (30 U.S.C. 1001 et seq.), the Federal land  
15 is withdrawn, subject to valid existing rights, until  
16 the date of the conveyance of the Federal land to the  
17 County.

18 (3) WITHDRAWAL OF NON-FEDERAL LAND.—

19 On acquisition of the non-Federal land by the Sec-  
20 retary, the non-Federal land is permanently with-  
21 drawn from all forms of appropriation and disposi-  
22 tion under the public land laws (including the min-  
23 ing and mineral leasing laws) and the Geothermal  
24 Steam Act of 1970 (30 U.S.C. 1001 et seq.).

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

3           (1) minor adjustments to the boundaries of the  
4 Federal land and non-Federal land; and

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

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

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