

108TH CONGRESS  
2D SESSION

# S. 2948

To authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Vermont.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2004

Mr. LEAHY (for himself and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Vermont.

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 “Green Mountain Na-  
5       tional Forest Land Adjustment Act of 2004”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) BROMLEY.—The term “Bromley” means  
9       Bromley Mountain Ski Resort, Inc.

1           (2) MAP.—The term “map” means the map en-  
 2           titled “Proposed Bromley Land Sale or Exchange”  
 3           and dated April 7, 2004.

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

6           (4) STATE.—The term “State” means the State  
 7           of Vermont.

8   **SEC. 3. SALE OR EXCHANGE OF GREEN MOUNTAIN NA-**  
 9                                   **TIONAL FOREST LAND.**

10          (a) IN GENERAL.—The Secretary may, under any  
 11          terms and conditions that the Secretary may prescribe,  
 12          sell or exchange any right, title, and interest of the United  
 13          States in and to the parcels of National Forest System  
 14          land described in subsection (b).

15          (b) DESCRIPTION OF LAND.—The parcels of Na-  
 16          tional Forest System land referred to in subsection (a) are  
 17          the 5 parcels of land in Bennington County in the State,  
 18          as generally depicted on the map.

19          (c) MAP AND LEGAL DESCRIPTIONS.—

20                  (1) IN GENERAL.—The map shall be on file and  
 21                  available for public inspection in—

22                                  (A) the office of the Chief of the Forest  
 23                                  Service; and

24                                  (B) the office of the Supervisor of the  
 25                                  Green Mountain National Forest.

1           (2) MODIFICATIONS.—The Secretary may mod-  
2 ify the map and legal descriptions to—

3                   (A) correct technical errors; or

4                   (B) facilitate the conveyance under sub-  
5 section (a).

6           (d) CONSIDERATION.—Consideration for the sale or  
7 exchange of land described in subsection (b)—

8                   (1) shall be equal to an amount that is not less  
9 than the fair market value of the land sold or ex-  
10 changed; and

11                   (2) may be in the form of cash, land, or a com-  
12 bination of cash and land.

13           (e) APPRAISALS.—Any appraisal carried out to facili-  
14 tate the sale or exchange of land under subsection (a) shall  
15 conform with the Uniform Appraisal Standards for Fed-  
16 eral Land Acquisitions.

17           (f) METHODS OF SALE.—

18                   (1) CONVEYANCE TO BROMLEY.—

19                           (A) IN GENERAL.—Before soliciting offers  
20 under paragraph (2), the Secretary shall offer  
21 to convey to Bromley the land described in sub-  
22 section (b).

23                           (B) CONTRACT DEADLINE.—If Bromley  
24 accepts the offer under subparagraph (A), the  
25 Secretary and Bromley shall have not more

1           than 180 days after the date on which any envi-  
2           ronmental analyses with respect to the land are  
3           completed to enter into a contract for the sale  
4           or exchange of the land.

5           (2) PUBLIC OR PRIVATE SALE.—If the Sec-  
6           retary and Bromley do not enter into a contract for  
7           the sale or exchange of the land by the date speci-  
8           fied in paragraph (1)(B), the Secretary may sell or  
9           exchange the land at public or private sale (includ-  
10          ing auction), in accordance with such terms, condi-  
11          tions, and procedures as the Secretary determines to  
12          be in the public interest.

13          (3) REJECTION OF OFFERS.—The Secretary  
14          may reject any offer received under this subsection  
15          if the Secretary determines that the offer is not ade-  
16          quate or is not in the public interest.

17          (4) BROKERS.—In any sale or exchange of land  
18          under this section, the Secretary may—

19                 (A) use a real estate broker or other third  
20                 party; and

21                 (B) pay the real estate broker or third  
22                 party a commission in an amount comparable  
23                 to the amounts of commission generally paid for  
24                 real estate transactions in the area.

1 (g) CASH EQUALIZATION.—Notwithstanding section  
2 206(b) of the Federal Land Policy and Management Act  
3 of 1976 (43 U.S.C. 1716(b)), the Secretary may accept  
4 a cash equalization payment in excess of 25 percent of  
5 the value of any Federal land exchanged under this Act.

6 **SEC. 4. DISPOSITION OF PROCEEDS.**

7 (a) IN GENERAL.—The Secretary shall deposit the  
8 net proceeds from a sale or exchange under this Act in  
9 the fund established under Public Law 90–171 (16 U.S.C.  
10 484a) (commonly known as the “Sisk Act”).

11 (b) USE.—Amounts deposited under subsection (a)  
12 shall be available to the Secretary until expended, without  
13 further appropriation, for—

14 (1) the location and relocation of the Appa-  
15 lachian National Scenic Trail and the Long National  
16 Recreation Trail in the State;

17 (2) the acquisition of land and interests in land  
18 by the Secretary for National Forest System pur-  
19 poses within the boundary of the Green Mountain  
20 National Forest, including land for and adjacent to  
21 the Appalachian National Scenic Trail and the Long  
22 National Recreation Trail;

23 (3) the acquisition of wetland or an interest in  
24 wetland within the boundary of the Green Mountain

1 National Forest to offset the loss of wetland from  
2 the parcels sold or exchanged; and

3 (4) the payment of direct administrative costs  
4 incurred in carrying out this Act.

5 (c) LIMITATION.—Amounts deposited under sub-  
6 section (a) shall not—

7 (1) be paid or distributed to the State or coun-  
8 ties or towns in the State under any provision of  
9 law; or

10 (2) be considered to be money received from  
11 units of the National Forest System for purposes  
12 of—

13 (A) the Act of May 23, 1908 (16 U.S.C.  
14 500); or

15 (B) the Act of March 4, 1913 (16 U.S.C.  
16 501).

17 (d) PROHIBITION OF TRANSFER OR REPROGRAM-  
18 MING.—Amounts deposited under subsection (a) shall not  
19 be subject to transfer or reprogramming for wildfire man-  
20 agement or any other emergency purposes.

21 **SEC. 5. ACQUISITION OF LAND.**

22 The Secretary may acquire, using funds made avail-  
23 able under section 4 or otherwise made available for acqui-  
24 sition, land or an interest in land for National Forest Sys-

1 tem purposes within the boundary of the Green Mountain  
2 National Forest.

3 **SEC. 6. EXEMPTION FROM CERTAIN LAWS.**

4       The Federal Property and Administrative Services  
5 Act of 1949 (40 U.S.C. 471 et seq.) shall not apply to  
6 any sale or exchange of National Forest System lands  
7 under this Act.

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