

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6156

To provide for the exchange of certain land in the Lincoln National Forest, New Mexico, with the owners of Ranchman's Camp and the C Bar X Ranch, to adjust the proclamation boundary of that national forest, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2006

Mr. PEARCE introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for the exchange of certain land in the Lincoln National Forest, New Mexico, with the owners of Ranchman's Camp and the C Bar X Ranch, to adjust the proclamation boundary of that national forest, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Lincoln National Forest Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—LAND EXCHANGES

Sec. 101. Ranchman’s Camp land exchange, Lincoln National Forest, New Mexico.

Sec. 102. C Bar X Ranch land exchange, Lincoln National Forest, New Mexico.

Sec. 103. Provisions applicable to both land exchanges.

#### TITLE II—BOUNDARY ADJUSTMENT

Sec. 201. Proclamation boundary defined.

Sec. 202. Lincoln National Forest proclamation boundary adjustment.

Sec. 203. Miscellaneous provisions.

## 1           **TITLE I—LAND EXCHANGES**

### 2   **SEC. 101. RANCHMAN’S CAMP LAND EXCHANGE, LINCOLN** 3                           **NATIONAL FOREST, NEW MEXICO.**

4           (a) CONVEYANCE AUTHORIZED.—If the owners of  
 5 Ranchman’s Camp, New Mexico, offer to convey to the  
 6 United States all right, title, and interest of the owners  
 7 in and to the non-Federal land depicted for exchange on  
 8 the map entitled “Ranchman’s Camp Land Exchange”  
 9 and dated June 3, 2006, the Secretary of Agriculture may  
 10 accept title to the land on behalf of the United States and  
 11 convey in exchange to the owners all right, title, and inter-  
 12 est of the United States in and to the Federal land in  
 13 the Lincoln National Forest depicted for exchange on such  
 14 map.

15           (b) EASEMENTS.—Simultaneously with the exchange  
 16 of Federal land and non-Federal land under subsection  
 17 (a), the Secretary and the owners of Ranchman’s Camp  
 18 shall exchange, at no additional consideration, nonexclu-  
 19 sive reciprocal easements for access and utilities across,

1 over, and through Forest Road 105, as depicted on the  
2 map referred to in such subsection.

3 (c) TREATMENT OF MAP.—The map referred to in  
4 subsection (a) shall be available for inspection in the Of-  
5 fice of the Chief of the Forest Service and the Office of  
6 the Supervisor of Lincoln National Forest during the pe-  
7 riod beginning on the date of the enactment of this Act  
8 until one year after completion of the land exchange au-  
9 thorized by such subsection.

10 (d) COMPLETION.—To the extent practicable, the  
11 Secretary shall complete the land exchange authorized by  
12 subsection (a) not later than 180 days after the date on  
13 which the owners of Ranchman’s Camp make the offer  
14 described in such subsection, unless the Secretary and the  
15 owners agree to extend such deadline.

16 **SEC. 102. C BAR X RANCH LAND EXCHANGE, LINCOLN NA-**  
17 **TIONAL FOREST, NEW MEXICO.**

18 (a) CONVEYANCE AUTHORIZED.—If the owners of C  
19 Bar X Ranch, New Mexico, offer to convey to the United  
20 States all right, title, and interest of the owners in and  
21 to the non-Federal land depicted for exchange on the map  
22 entitled “C Bar X Ranch Land Exchange” and dated  
23 June 3, 2006, the Secretary of Agriculture may accept  
24 title to the land on behalf of the United States and convey  
25 in exchange to the owners all right, title, and interest of

1 the United States in and to the Federal land in the Lin-  
2 coln National Forest depicted for exchange on such map.

3 (b) EASEMENTS.—Simultaneously with the exchange  
4 of Federal land and non-Federal land under subsection  
5 (a), the Secretary and the owners of C Bar X Ranch shall  
6 exchange, at no additional consideration, nonexclusive re-  
7 ciprocal easements for access and utilities across, over,  
8 and through Forest Road 488 and Forest Road 105, as  
9 depicted on the map referred to in such subsection.

10 (c) TREATMENT OF MAP.—The map referred to in  
11 subsection (a) shall be available for inspection in the Of-  
12 fice of the Chief of the Forest Service and the Office of  
13 the Supervisor of Lincoln National Forest during the pe-  
14 riod beginning on the date of the enactment of this Act  
15 until one year after completion of the land exchange au-  
16 thorized by such subsection.

17 (d) COMPLETION.—To the extent practicable, the  
18 Secretary shall complete the land exchange authorized by  
19 subsection (a) not later than 180 days after the date on  
20 which the owners of C Bar X Ranch make the offer de-  
21 scribed in such subsection, unless the Secretary and the  
22 owners agree to extend such deadline.

1 **SEC. 103. PROVISIONS APPLICABLE TO BOTH LAND EX-**  
2 **CHANGES.**

3 (a) **EXCHANGE PROCESSING.**—Numerous surveys,  
4 clearances, reviews for threatened and endangered species,  
5 and reviews of cultural and historical resources have been  
6 conducted with regard to the land authorized for exchange  
7 under this title. There is no need to conduct additional  
8 duplicate studies or surveys to complete the land ex-  
9 changes.

10 (b) **FINAL MAPS AND DESCRIPTIONS.**—The exact  
11 acreage and legal description of the land authorized to be  
12 exchanged under this title shall be more particularly delin-  
13 eated and described by the Secretary of the Interior ac-  
14 cording to a final boundary map and boundary descrip-  
15 tion, which shall be filed in the Office of the Chief of the  
16 Forest Service.

17 (c) **EQUAL VALUE EXCHANGE.**—

18 (1) **EQUAL VALUE EXCHANGE REQUIRED.**—The  
19 market value of the Federal land and non-Federal  
20 land covered by each land exchange authorized by  
21 this title shall be equal or equalized as provided by  
22 subsection (d) or by adjusting the acreage to be con-  
23 veyed in the land exchange, as determined by the  
24 Secretary and agreed to by the private land owners.

25 (2) **APPRAISER QUALIFICATIONS.**—The ap-  
26 praisal of the land authorized to be exchanged under

1 this title shall be conducted by an appraiser with the  
2 following minimum qualifications:

3 (A) Licensed New Mexico real estate ap-  
4 praiser.

5 (B) Certified New Mexico real estate ap-  
6 praiser.

7 (C) Accredited rural appraiser.

8 (3) COSTS OF APPRAISAL; OTHER COSTS.—The  
9 owners of the non-Federal land to be exchanged  
10 under this title shall cover the costs of the land ap-  
11 praisal. The private land owners and the Secretary  
12 shall each pay half of any additional costs.

13 (d) CASH EQUALIZATION.—

14 (1) AUTHORIZED AMOUNT.—Notwithstanding  
15 section 206(b) of the Federal Land Policy and Man-  
16 agement Act of 1976 (43 U.S.C. 1716(b)), the Sec-  
17 retary may accept a cash equalization payment in  
18 excess of 25 percent of the total value of the Federal  
19 land conveyed by the Secretary under section 101 or  
20 102.

21 (2) DEPOSIT AND USE.—Any cash equalization  
22 payment received by the Secretary under this section  
23 shall be deposited into a fund established under the  
24 Act of December 4, 1967 (commonly known as the  
25 Sisk Act; 16 U.S.C. 484a). The deposited amounts

1 shall be available to the Secretary, until expended  
2 and without further appropriation, for the acquisi-  
3 tion of lands and interest in land in New Mexico and  
4 associated administrative costs. Such amounts shall  
5 not be subject to transfer or reprogramming for  
6 wildland fire management or any other emergency  
7 purposes.

8 (e) TITLE.—Title to the non-Federal land to be ac-  
9 quired by the United States under this title shall be ac-  
10 ceptable to the Secretary and in conformity with the title  
11 standards of the Attorney General. Title to the Federal  
12 land shall be conveyed under this title by patent.

13 (f) COMPLETION.—To the extent practicable, the  
14 Secretary shall complete the land exchange authorized by  
15 subsection (a) not later than 180 days after the date of  
16 enactment, unless the Secretary and the owners of the  
17 non-Federal lands, respectively, agree to extend such  
18 deadline.

19 (g) REVOCATIONS AND WITHDRAWAL.—

20 (1) REVOCATION.—Any public land orders with-  
21 drawing any of the Federal land from appropriation  
22 or disposal under the public land laws are revoked  
23 to the extent necessary to permit conveyance of the  
24 Federal land under this title.

1           (2) WITHDRAWAL.—Subject to valid existing  
2 rights, pending the completion of the land exchanges  
3 authorized by this title, the Federal land identified  
4 for conveyance are withdrawn from all forms of loca-  
5 tion, entry, and patent under the mining and public  
6 land laws, and from disposition under the mineral  
7 leasing laws and the Geothermal Steam Act of 1970  
8 (30 U.S.C. 1001 et seq.).

9           (h) VALID EXISTING RIGHTS.—The conveyance of  
10 any Federal land under this title shall be subject to valid  
11 existing rights, and to such terms and conditions as the  
12 Secretary considers are in the public interest and agreed  
13 to by the private land owners.

14           (i) ADMINISTRATION.—The Secretary shall manage  
15 the land acquired by the United States under this title  
16 in accordance with the Act of March 1, 1911 (commonly  
17 known as the Weeks Act; 16 U.S.C. 480 et seq.), and in  
18 accordance with the other laws and regulations applicable  
19 to the National Forest System.

## 20                   **TITLE II—BOUNDARY** 21                   **ADJUSTMENT**

### 22   **SEC. 201. PROCLAMATION BOUNDARY DEFINED.**

23           In this title, the term “Proclamation Boundary”  
24 means the exterior limits of the Lincoln National Forest  
25 in the State of New Mexico established by Presidential



1 Proclamation 32 (32 Stat. 2018) signed by President  
2 Theodore Roosevelt on July 26, 1902, and subsequently  
3 modified by Presidential Proclamation 1474 (40 Stat.  
4 1832), signed by President Woodrow Wilson on August  
5 9, 1918.

6 **SEC. 202. LINCOLN NATIONAL FOREST PROCLAMATION**  
7 **BOUNDARY ADJUSTMENT.**

8 (a) MODIFICATION.—The 1902 Proclamation Bound-  
9 ary of the Lincoln National Forest is modified in section  
10 20, township 7 south, range 16 east, New Mexico principal  
11 meridian to include only the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of such section,  
12 thereby excluding all non-National Forest System lands  
13 in such section as of the date of the enactment of this  
14 Act.

15 (b) AVAILABILITY.—To reflect the boundary adjust-  
16 ment effected by subsection (a), a legal land description  
17 signed and approved by the Regional Forester, Albu-  
18 querque, New Mexico, shall be on file and available for  
19 public inspection in the Office of the Chief of the Forest  
20 Service and the office of the Regional Forester, Albu-  
21 querque, New Mexico.

22 (c) CORRECTION AUTHORITY.—The Secretary of Ag-  
23 riculture may make minor technical and clerical correc-  
24 tions to the legal description to facilitate the boundary ad-  
25 justment.

1 **SEC. 203. MISCELLANEOUS PROVISIONS.**

2 (a) ADMINISTRATION.—Any and all land or interests  
3 in land remaining within the boundaries of the Lincoln  
4 National Forest shall be managed for National Forest  
5 System purposes in accordance with—

6 (1) the Act of March 1, 1911 (commonly known  
7 as the Weeks Act; 16 U.S.C. 480 et seq.); and

8 (2) the laws and regulations applicable to the  
9 National Forest System.

10 (b) LAND AND WATER CONSERVATION FUND.—For  
11 purposes of section 7 of the Land and Water Conservation  
12 Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of  
13 the Lincoln National Forest, as adjusted by this title, shall  
14 be considered to be the boundaries of the national forest  
15 as of January 1, 1965.

16 (c) EFFECT.—Nothing in this Act limits the author-  
17 ity of the Secretary of Agriculture to adjust the bound-  
18 aries of the Lincoln National Forest under section 11 of  
19 the Act of March 1, 1911 (16 U.S.C. 521).

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