

109TH CONGRESS  
1ST SESSION

# S. 47

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## AN ACT

To provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

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 “Pecos National Histor-  
5       ical Park Land Exchange Act of 2005”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **FEDERAL LAND.**—The term “Federal land”  
4 means the approximately 160 acres of Federal land  
5 within the Santa Fe National Forest in the State,  
6 as depicted on the map.

7 (2) **LANDOWNER.**—The term “landowner”  
8 means the 1 or more owners of the non-Federal  
9 land.

10 (3) **MAP.**—The term “map” means the map en-  
11 titled “Proposed Land Exchange for Pecos National  
12 Historical Park”, numbered 430/80,054, dated No-  
13 vember 19, 1999, and revised September 18, 2000.

14 (4) **NON-FEDERAL LAND.**—The term “non-Fed-  
15 eral land” means the approximately 154 acres of  
16 non-Federal land in the Park, as depicted on the  
17 map.

18 (5) **PARK.**—The term “Park” means the Pecos  
19 National Historical Park in the State.

20 (6) **SECRETARIES.**—The term “Secretaries”  
21 means the Secretary of the Interior and the Sec-  
22 retary of Agriculture, acting jointly.

23 (7) **STATE.**—The term “State” means the State  
24 of New Mexico.

1 **SEC. 3. LAND EXCHANGE.**

2 (a) IN GENERAL.—On conveyance by the landowner  
3 to the Secretary of the Interior of the non-Federal land,  
4 title to which is acceptable to the Secretary of the  
5 Interior—

6 (1) the Secretary of Agriculture shall, subject  
7 to the conditions of this Act, convey to the land-  
8 owner the Federal land; and

9 (2) the Secretary of the Interior shall, subject  
10 to the conditions of this Act, grant to the landowner  
11 the easement described in subsection (b).

12 (b) EASEMENT.—

13 (1) IN GENERAL.—The easement referred to in  
14 subsection (a)(2) is an easement (including an ease-  
15 ment for service access) for water pipelines to 2 well  
16 sites located in the Park, as generally depicted on  
17 the map.

18 (2) ROUTE.—The Secretary of the Interior, in  
19 consultation with the landowner, shall determine the  
20 appropriate route of the easement through the Park.

21 (3) TERMS AND CONDITIONS.—The easement  
22 shall include such terms and conditions relating to  
23 the use of, and access to, the well sites and pipeline,  
24 as the Secretary of the Interior, in consultation with  
25 the landowner, determines to be appropriate.

1           (4) APPLICABLE LAW.—The easement shall be  
 2       established, operated, and maintained in compliance  
 3       with applicable Federal law.

4       (c) VALUATION, APPRAISALS, AND EQUALIZATION.—

5           (1) IN GENERAL.—The value of the Federal  
 6       land and non-Federal land—

7               (A) shall be equal, as determined by ap-  
 8       praisals conducted in accordance with para-  
 9       graph (2); or

10              (B) if the value is not equal, shall be  
 11       equalized in accordance with paragraph (3).

12       (2) APPRAISALS.—

13              (A) IN GENERAL.—The Federal land and  
 14       non-Federal land shall be appraised by an inde-  
 15       pendent appraiser selected by the Secretaries.

16              (B) REQUIREMENTS.—An appraisal con-  
 17       ducted under subparagraph (A) shall be con-  
 18       ducted in accordance with—

19                      (i) the Uniform Appraisal Standards  
 20                      for Federal Land Acquisition; and

21                      (ii) the Uniform Standards of Profes-  
 22                      sional Appraisal Practice.

23              (C) APPROVAL.—The appraisals conducted  
 24       under this paragraph shall be submitted to the  
 25       Secretaries for approval.

1 (3) EQUALIZATION OF VALUES.—

2 (A) IN GENERAL.—If the values of the  
3 non-Federal land and the Federal land are not  
4 equal, the values may be equalized by—

5 (i) the Secretary of the Interior mak-  
6 ing a cash equalization payment to the  
7 landowner;

8 (ii) the landowner making a cash  
9 equalization payment to the Secretary of  
10 Agriculture; or

11 (iii) reducing the acreage of the non-  
12 Federal land or the Federal land, as ap-  
13 propriate.

14 (B) CASH EQUALIZATION PAYMENTS.—

15 Any amounts received by the Secretary of Agri-  
16 culture as a cash equalization payment under  
17 section 206(b) of the Federal Land Policy and  
18 Management Act of 1976 (43 U.S.C. 1716(b))  
19 shall—

20 (i) be deposited in the fund estab-  
21 lished by Public Law 90–171 (commonly  
22 known as the “Sisk Act”) (16 U.S.C.  
23 484a); and

24 (ii) be available for expenditure, with-  
25 out further appropriation, for the acquisi-

1                   tion of land and interests in land in the  
2                   State.

3       (d) COSTS.—Before the completion of the exchange  
4 under this section, the Secretaries and the landowner shall  
5 enter into an agreement that allocates the costs of the ex-  
6 change among the Secretaries and the landowner.

7       (e) APPLICABLE LAW.—Except as otherwise provided  
8 in this Act, the exchange of land and interests in land  
9 under this Act shall be in accordance with—

10           (1) section 206 of the Federal Land Policy and  
11       Management Act of 1976 (43 U.S.C. 1716); and

12           (2) other applicable laws, including the Na-  
13       tional Environmental Policy Act of 1969 (42 U.S.C.  
14       4321 et seq.).

15       (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
16 retaries may require, in addition to any requirements  
17 under this Act, such terms and conditions relating to the  
18 exchange of Federal land and non-Federal land and the  
19 granting of easements under this Act as the Secretaries  
20 determine to be appropriate to protect the interests of the  
21 United States.

22       (g) COMPLETION OF THE EXCHANGE.—

23           (1) IN GENERAL.—The exchange of Federal  
24       land and non-Federal land shall be completed not  
25       later than 180 days after the later of—

1 (A) the date on which the requirements of  
 2 the National Environmental Policy Act of 1969  
 3 (42 U.S.C. 4321 et seq.) have been met;

4 (B) the date on which the Secretary of the  
 5 Interior approves the appraisals under sub-  
 6 section (c)(2)(C); or

7 (C) the date on which the Secretaries and  
 8 the landowner agree on the costs of the ex-  
 9 change and any other terms and conditions of  
 10 the exchange under this section.

11 (2) NOTICE.—The Secretaries shall submit to  
 12 the Committee on Energy and Natural Resources of  
 13 the Senate and the Committee on Resources of the  
 14 House of Representatives notice of the completion of  
 15 the exchange of Federal land and non-Federal land  
 16 under this Act.

17 **SEC. 4. ADMINISTRATION.**

18 (a) IN GENERAL.—The Secretary of the Interior shall  
 19 administer the non-Federal land acquired under this Act  
 20 in accordance with the laws generally applicable to units  
 21 of the National Park System, including the Act of August  
 22 25, 1916 (commonly known as the “National Park Service  
 23 Organic Act”) (16 U.S.C. 1 et seq.).

24 (b) MAPS.—

1           (1) IN GENERAL.—The map shall be on file and  
2           available for public inspection in the appropriate of-  
3           fices of the Secretaries.

4           (2) TRANSMITTAL OF REVISED MAP TO CON-  
5           GRESS.—Not later than 180 days after completion  
6           of the exchange, the Secretaries shall transmit to the  
7           Committee on Energy and Natural Resources of the  
8           Senate and the Committee on Resources of the  
9           House of Representatives a revised map that  
10          depicts—

11                   (A) the Federal land and non-Federal land  
12                   exchanged under this Act; and

13                   (B) the easement described in section 3(b).

Passed the Senate July 26, 2005.

Attest:

*Secretary.*



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