

Calendar No. 18

109TH CONGRESS
1ST SESSION

S. 47

[Report No. 109-7]

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 23, 2005

Reported under authority of the order of the Senate of February 17, 2005, by Mr. DOMENICI, without amendment

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pecos National Histor-
3 ical Park Land Exchange Act of 2005”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

10 (2) **LANDOWNER.**—The term “landowner”
11 means the 1 or more owners of the non-Federal
12 land.

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

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

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

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

1 (7) STATE.—The term “State” means the State
2 of New Mexico.

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

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

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

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

14 (b) EASEMENT.—

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

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

23 (3) TERMS AND CONDITIONS.—The easement
24 shall include such terms and conditions relating to
25 the use of, and access to, the well sites and pipeline,

1 as the Secretary of the Interior, in consultation with
2 the landowner, determines to be appropriate.

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

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

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

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

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

14 (2) APPRAISALS.—

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

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

21 (i) the Uniform Appraisal Standards
22 for Federal Land Acquisition; and

23 (ii) the Uniform Standards of Profes-
24 sional Appraisal Practice.

1 (C) APPROVAL.—The appraisals conducted
2 under this paragraph shall be submitted to the
3 Secretaries for approval.

4 (3) EQUALIZATION OF VALUES.—

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

8 (i) the Secretary of the Interior mak-
9 ing a cash equalization payment to the
10 landowner;

11 (ii) the landowner making a cash
12 equalization payment to the Secretary of
13 Agriculture; or

14 (iii) reducing the acreage of the non-
15 Federal land or the Federal land, as ap-
16 propriate.

17 (B) CASH EQUALIZATION PAYMENTS.—

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

23 (i) be deposited in the fund estab-
24 lished by Public Law 90–171 (commonly

1 known as the “Sisk Act”) (16 U.S.C.
2 484a); and

3 (ii) be available for expenditure, with-
4 out further appropriation, for the acqui-
5 sition of land and interests in land in the
6 State.

7 (d) COSTS.—Before the completion of the exchange
8 under this section, the Secretaries and the landowner shall
9 enter into an agreement that allocates the costs of the ex-
10 change among the Secretaries and the landowner.

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

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

16 (2) other applicable laws, including the Na-
17 tional Environmental Policy Act of 1969 (42 U.S.C.
18 4321 et seq.).

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

1 (g) COMPLETION OF THE EXCHANGE.—

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

5 (A) the date on which the requirements of
6 the National Environmental Policy Act of 1969
7 (42 U.S.C. 4321 et seq.) have been met;

8 (B) the date on which the Secretary of the
9 Interior approves the appraisals under sub-
10 section (c)(2)(C); or

11 (C) the date on which the Secretaries and
12 the landowner agree on the costs of the ex-
13 change and any other terms and conditions of
14 the exchange under this section.

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

21 **SEC. 4. ADMINISTRATION.**

22 (a) IN GENERAL.—The Secretary of the Interior shall
23 administer the non-Federal land acquired under this Act
24 in accordance with the laws generally applicable to units
25 of the National Park System, including the Act of August

1 25, 1916 (commonly known as the “National Park Service
2 Organic Act”) (16 U.S.C. 1 et seq.).

3 (b) MAPS.—

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

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

14 (A) the Federal land and non-Federal land
15 exchanged under this Act; and

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

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