

110TH CONGRESS
1ST SESSION

H. R. 3181

To provide for the exchange of certain lands in the Arapaho-Roosevelt National Forests in the State of Colorado with the Sugar Loaf Fire Protection District, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2007

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the exchange of certain lands in the Arapaho-Roosevelt National Forests in the State of Colorado with the Sugar Loaf Fire Protection District, 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.**

4 This Act may be cited as the “Arapaho-Roosevelt Na-
5 tional Forests Land Exchange Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Since 1967, the Sugar Loaf Fire Protection
2 District, located west of Boulder, Colorado, has
3 owned and operated two fire stations on National
4 Forest System land pursuant to special use permits
5 issued by the Forest Service.

6 (2) The Sugar Loaf Fire Protection District
7 seeks ownership of the land on which the fire sta-
8 tions are situated so that the District can establish
9 an area for fire fighter training, install bathroom fa-
10 cilities in the stations, and expand the stations in
11 the future.

12 (3) The National Forest System land con-
13 taining the fire stations consists of approximately
14 5.08 acres and are of limited utility for public ad-
15 ministration, recreation, or any other use since the
16 land has been occupied by the stations for 30 years.

17 (4) The Sugar Loaf Fire Protection District
18 owns a parcel of non-Federal land consisting of ap-
19 proximately 5.17 acres that the District is willing to
20 convey to the United States in exchange for the Na-
21 tional Forest System land containing the fire sta-
22 tions.

23 (5) The non-Federal land offered by the Sugar
24 Loaf Fire Protection District, if conveyed to the
25 United States, is suitable for addition to the Arap-

1 aho-Roosevelt National Forests, will eliminate an
 2 isolated inholding in the National Forests, result in
 3 administrative cost savings to the United States by
 4 reducing costs of forest boundary administration,
 5 and provide the United States with environmental
 6 and public recreational use benefits that greatly ex-
 7 ceed the benefits of the National Forest System land
 8 containing the fire stations.

9 (6) It is in the public interest to direct, expe-
 10 dite, and facilitate completion of a land exchange in-
 11 volving these Federal and non-Federal lands to en-
 12 able the Sugar Loaf Fire Protection District to bet-
 13 ter provide fire protection services for residents of
 14 the District, residents of neighboring districts and
 15 persons who travel through the District on Colorado
 16 Highway 119, and National Forest System land
 17 within or adjacent to the District.

18 **SEC. 3. LAND EXCHANGE, ARAPAHO-ROOSEVELT NATIONAL**
 19 **FORESTS, COLORADO.**

20 (a) CONVEYANCE OF NON-FEDERAL LAND.—The
 21 land exchange directed by this section shall proceed if,
 22 within 30 days after the date of the enactment of this Act,
 23 the Sugar Loaf Fire Protection District of Boulder, Colo-
 24 rado (in this section referred to as the “District”), offers
 25 to convey title acceptable to the United States in and to

1 a parcel of land consisting of approximately 5.17 acres lo-
2 cated in unincorporated Boulder County, Colorado, be-
3 tween the communities of Boulder and Nederland, as de-
4 picted on a map entitled “Non-Federal Lands—Hibernian
5 Load” and dated November, 2006.

6 (b) CONVEYANCE OF FEDERAL LAND.—Upon receipt
7 of acceptable title in and to the non-Federal lands identi-
8 fied in subsection (a), the Secretary of Agriculture shall
9 convey to the District all right, title, and interest of the
10 United States in and to a parcel of National Forest Sys-
11 tem land within the Arapaho-Roosevelt National Forests,
12 Colorado, consisting of approximately 5.08 acres, as gen-
13 erally depicted on maps entitled “Sugar Loaf Federal
14 Lands—Station 1” and “Sugar Loaf Federal Lands—
15 Station 2”, and dated November 2006.

16 (c) APPRAISALS.—The values of the non-Federal land
17 identified in subsection (a) and the Federal lands identi-
18 fied in subsection (b) shall be determined by the Secretary
19 through appraisals performed in accordance with the Uni-
20 form Appraisal Standards for Federal Land Acquisitions
21 (December 20, 2000) and the Uniform Standards of Pro-
22 fessional Appraisal Practice. The encumbrance on the
23 Federal land granted by subsection (g) before its convey-
24 ance shall not be considered for purposes of the appraisal
25 of the land.

1 (d) VALUATION.—

2 (1) SURPLUS OF NON-FEDERAL VALUE.—If the
3 final appraised value, as approved by the Secretary,
4 of the non-Federal lands identified in subsection (a)
5 exceeds the final appraised value, as approved by the
6 Secretary, of the Federal land identified in sub-
7 section (b), the values may be equalized—

8 (A) by reducing the acreage of the non-
9 Federal lands to be conveyed, as determined ap-
10 propriate and acceptable by the Secretary and
11 the District;

12 (B) by the Secretary making a cash equali-
13 zation payment to the District, including a cash
14 equalization payment in excess of the amount
15 authorized by section 206(b) of the Federal
16 Land Policy and Management Act of 1976 (43
17 U.S.C. 1716(b)); or

18 (C) by a combination of acreage reduction
19 and cash equalization payment.

20 (2) SURPLUS OF FEDERAL VALUE.—If the final
21 appraised value, as approved by the Secretary, of the
22 Federal land identified in subsection (b) exceeds the
23 final appraised value, as approved by the Secretary,
24 of the non-Federal lands identified in subsection (a),
25 and the Secretary declines to accept the non-Federal

1 lands because of inadequate appraised value, the
2 District shall make a cash equalization payment to
3 the Secretary in such amount as may be necessary
4 to equalize the values of the lands to be exchanged.

5 (e) EXCHANGE COSTS.—As a condition on the land
6 exchange under this section and in order to expedite the
7 land exchange and to save administrative costs to the
8 United States, the District shall be required to cover the
9 costs of the following:

10 (1) Any necessary land surveys of the Non-Fed-
11 eral land or Federal land to be exchanged.

12 (2) The appraisals under subsection (c).

13 (f) COMPLETION OF EXCHANGE.—It is the sense of
14 Congress that the land exchange directed by this section
15 should be completed not later than 120 days after the date
16 of the enactment of this Act.

17 (g) INTERIM USE OF FEDERAL LAND.—Pending
18 completion of the land exchange directed by this section,
19 the District may commence modification of the fire sta-
20 tions located on the Federal land identified in subsection
21 (b) without further action or authorization by the Sec-
22 retary, except that, before initiating any construction in
23 connection with the modifications, the District shall exe-
24 cute and submit to the Secretary a legal document that—

1 (1) permanently holds the United States harm-
2 less for any and all liability arising from the con-
3 struction;

4 (2) indemnifies the United States against any
5 costs arising from the United States' ownership of
6 the Federal land and any actions, operations, or
7 other acts of the District or its licensees, employees,
8 or agents in undertaking the construction or engag-
9 ing in other acts on the Federal land before its con-
10 veyance to the District.

11 (h) ALTERNATIVE SALE AUTHORITY.—If the land
12 exchange directed by this section is not completed for any
13 reason, the Secretary may sell the Federal land identified
14 in subsection (b) to the District at its final appraised
15 value, as determined under subsection (c).

16 (i) USE OF PROCEEDS.—Any consideration received
17 under subsection (h) and any cash equalization payment
18 received under subsection (d)(2) shall be deposited in the
19 fund established by Public Law 90–171 (commonly known
20 as the Sisk Act; 16 U.S.C. 484a). The amount so depos-
21 ited shall be available to the Secretary, without further
22 appropriation, for expenditure for the acquisition of land
23 and interests in land for addition to the National Forest
24 System in the State of Colorado.

1 (j) INCORPORATION, MANAGEMENT, AND STATUS OF
2 ACQUIRED LAND.—The non-Federal land identified in
3 subsection (a) acquired by the United States in the land
4 exchange shall become part of the Arapaho-Roosevelt Na-
5 tional Forests, and the boundary of such national forests
6 is modified, without further action by the Secretary, to
7 incorporate the non-Federal land. Upon its acquisition,
8 the land shall be administered in accordance with the laws
9 generally applicable to the National Forest System. For
10 purposes of section 7 of the Land and Water Conservation
11 Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of
12 the Arapaho-Roosevelt National Forests, as modified by
13 this subsection, shall be deemed to be the boundaries of
14 such national forests as of January 1, 1965.

15 (k) TECHNICAL CORRECTIONS.—The Secretary, with
16 the agreement of the District, may make technical correc-
17 tions or correct clerical errors in the maps referred to in
18 this section or adjust the boundaries of the Arapaho-Roo-
19 sevelt National Forests to leave the United States with
20 a manageable post-exchange or sale boundary. In the
21 event of any discrepancy between a map, acreage estimate,
22 or legal description, the map shall prevail unless the Sec-
23 retary and the District agree otherwise.

24 (l) REVOCATION OF ORDERS AND WITHDRAWAL.—
25 Any public orders withdrawing any of the Federal lands

1 identified in subsection (b) from appropriation or disposal
2 under the public land laws are hereby revoked to the ex-
3 tent necessary to permit conveyance of the Federal lands.
4 If not already withdrawn or segregated from entry and
5 appropriation under the public land laws, including the
6 mining and mineral leasing laws and the Geothermal
7 Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal
8 land is hereby withdrawn until the date of its conveyance
9 to the District.

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