

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2005

The Senate proceeded to consider the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra National Forest Land Exchange Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) **COUNCIL.**—The term "Council" means the Sequoia Council of the Boy Scouts of America.

(2) **FEDERAL LAND.**—The term "Federal land" means the parcel of land comprising 160 acres and located in E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 30, T. 9 S., R. 25 E., Mt. Diablo Meridian, California.

(3) **NON-FEDERAL LAND.**—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in N $\frac{1}{2}$ NW $\frac{1}{4}$, sec. 29, T. 8 S., R. 26 E., Mt. Diablo Meridian, California.

(4) **PROJECT NO. 67.**—The term "Project No. 67" means the hydroelectric project licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) **EXCHANGE AUTHORIZED.**—

(1) **IN GENERAL.**—If, during the 1-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers to convey to the United States title to the non-Federal land and to make a cash equalization payment of \$50,000 to the United States, the Secretary shall convey to the owner of the non-Federal land, all right, title, and interest of the United States in and to the Federal land, except as provided in subsection (d), subject to valid existing rights, and under such terms and conditions as the Secretary may require.

(2) **CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—The Secretary, in consultation with the owner of the non-Federal land, may agree to make corrections to the legal descriptions of the Federal land and non-Federal land.

(B) **MODIFICATIONS.**—The Secretary and the owner of the non-Federal land may agree to make minor modifications to the legal descriptions if the modifications do not affect the overall value of the exchange by more than 5 percent.

(b) **VALUATION OF LAND TO BE CONVEYED.**—For purposes of this section, during the period referred to in subsection (a)(1)—

(1) the value of the non-Federal land shall be considered to be \$200,000; and

(2) the value of the Federal land shall be considered to be \$250,000.

(c) **ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.**—On acquisition by the Secretary, the Secretary shall manage the non-Federal land in accordance with—

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

(2) any other laws (including regulations) applicable to the National Forest System.

(d) **CONDITIONS ON CONVEYANCE OF FEDERAL LAND.**—The conveyance by the Secretary under subsection (a) shall be subject to the conditions that—

(1) the recipient of the Federal land convey all 160 acres of the Federal land to the Council not later than 120 days after the date on which the recipient receives title to the Federal land;

(2) in accordance with section 4(a), the Secretary grant to the owner of Project No. 67 an easement; and

(3) in accordance with section 4(b), the owner of Project No. 67 has the right of first refusal regarding any reconveyance of the Federal land by the Council.

(e) **DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.**—

(1) **IN GENERAL.**—The Secretary shall deposit the cash equalization payment received under subsection (a)(1) in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) **USE.**—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for the acquisition of land and any interests in land for the National Forest System in the State of California.

(f) **COST COLLECTION FUNDS.**—

(1) **IN GENERAL.**—The owner of the non-Federal land shall pay to the Secretary all direct costs associated with processing the land exchange under this section.

(2) **COST COLLECTION ACCOUNT.**—

(A) **IN GENERAL.**—Any amounts received by the Secretary under paragraph (1) shall be deposited in a cost collection account.

(B) **USE.**—Amounts deposited under subparagraph (A) shall be available to the Secretary until expended, without further appropriation, for the costs associated with the land exchange.

(C) **REFUND.**—The Secretary shall provide to the owner of the non-Federal land a refund of any amounts remaining in the cost collection account after completion of the land exchange that are not needed to cover expenses of the land exchange.

(g) **LAND AND WATER CONSERVATION FUND.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Sierra National Forest shall be considered to be the boundaries of the Sierra National Forest as of January 1, 1965.

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

(a) **EASEMENT REQUIRED.**—

(1) **IN GENERAL.**—As part of the exchange authorized by this Act, the Secretary shall, without consideration, grant to the owner of Project No. 67 an easement for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67.

(2) **REQUIRED TERMS AND CONDITIONS.**—The easement granted under paragraph (1) shall contain such terms and conditions as are agreed to by the Secretary, the Council, and the owner of Project No. 67.

(b) **RIGHT OF FIRST REFUSAL.**—As a condition of the conveyance of the Federal land under section 3(a)(1) and the reconveyance of the Federal land to the Council, the Council shall provide to the owner of Project No. 67, under such terms and conditions as are agreed to by the Council and the owner of Project No. 67, a right of first refusal to obtain the Federal land, or portion of the Federal land, that the Council proposes to sell, transfer, or otherwise convey.

SEC. 5. EXERCISE OF DISCRETION.

In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

The amendment (No. 5111) was agreed to, as follows:

(Purpose: To modify the section relating to the grant of an easement and right of first refusal to the owner of Project No. 67)

Strike section 4 and insert the following:

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

In accordance with the agreement entered into by the Forest Service, the Council, and the owner of Project No. 67 entitled the "Agreement to Convey Grant of Easement and Right of First Refusal" and executed on April 17, 2006—

(1) the Secretary shall grant an easement to the owner of Project No. 67; and

(2) the Council shall grant a right of first refusal to the owner of Project No. 67.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill H.R. 409, as amended, was read the third time and passed.

UKRAINIAN MANMADE FAMINE MEMORIAL ESTABLISHMENT ACT

The bill (H.R. 562) to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933, was considered, ordered to a third reading, read the third time, and passed.

PITKIN COUNTY LAND EXCHANGE ACT OF 2005

The Senate proceeded to consider the bill (H.R. 1129), to authorize the exchange of certain land in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pitkin County Land Exchange Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ASPEN VALLEY LAND TRUST.**—

(A) **IN GENERAL.**—The term "Aspen Valley Land Trust" means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) **INCLUSIONS.**—The term "Aspen Valley Land Trust" includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) **COUNTY.**—The term "County" means Pitkin County, a political subdivision of the State of Colorado.

(3) **FEDERAL LAND.**—The term "Federal land" means—

(A) the approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County" and dated August 2004;

(B) the 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on maps 1 and 2 entitled "Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County" and dated August 2004; and

(C) the approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County" and dated August 2004.

(4) **NON-FEDERAL LAND.**—The term "non-Federal land" means—

(A) the approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled "Ryan Land Exchange-Ryan Property Conveyance to Forest Service" and dated August 2004; and

(B) the approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the

County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk & Pontiac Claims Conveyance to Forest Service" and dated August 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

- (1) accept the offer; and
- (2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, except as provided in section 5(d), subject to all valid existing rights and encumbrances.

(b) TIMING.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land—

- (1) shall be equal; or
- (2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

- (1) the Uniform Appraisal Standards for Federal Land Acquisitions;
- (2) the Uniform Standards of Professional Appraisal Practice; and

(3) Forest Service appraisal instructions.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may, as the Secretary and the County determine to be appropriate, be equalized by the County—

- (i) making a cash equalization payment to the Secretary;
- (ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or
- (iii) using a combination of the methods described in clauses (i) and (ii).

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

- (i) provide for public access to the parcel; and
- (ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) REVERSION.—At the option of the Secretary of the Interior, the parcel of land de-

scribed in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary, the Secretary of the Interior, and the County may agree to—

- (1) minor adjustments to the boundaries of the parcels of Federal land and non-Federal land; and
- (2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 1129, as amended was read the third time, and passed.

STE. GENEVIEVE COUNTY NATIONAL HISTORIC SITE STUDY ACT OF 2005

The bill (H.R. 1728) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND ACT OF 2005

The bill (H.R. 2107) to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NORTHERN COLORADO WATER DISTRIBUTION FACILITIES CONVEYANCE ACT

The bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, was considered, ordered to a third reading, read the third time, and passed.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

The bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

The bill (H.R. 233) to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes was considered, read the third time, and passed.

SECTION 10

Mr. BINGAMAN. Mr. President, I would like to enter into a colloquy with Senators DOMENICI, BOXER, and FEINSTEIN concerning a provision in H.R. 233, the Northern California Wild Heritage Wilderness Act. Although I strongly supported the Senate companion measure, S. 128, which passed the Senate last year, I am concerned with some of the changes made by bill as passed by the House of Representatives. Of particular concern is section 10, dealing with commercial fishing permits in Redwood National and State Parks in California. The section directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits