

PITKIN COUNTY LAND EXCHANGE ACT OF 2005

OCTOBER 25, 2005.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1129]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pitkin County Land Exchange Act of 2005”.

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 the land directed for exchange between the United States Forest Service, the Bureau of Land Management, and Pitkin County under this Act that is comprised of the following parcels:

(A) The approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled “Ryan Land Ex-

change-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 the map entitled “Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County” and dated August 2004.

(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 the land directed for exchange between Pitkin County and the United States Forest Service under this Act that is comprised of the following parcels:

(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.

(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 and Pontiac Claims Conveyance to Forest Service”.

(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, subject to all valid existing rights and encumbrances.

(b) TIMING.—

(1) IN GENERAL.—Except as provided in paragraph (2), 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.

(2) EXCEPTION.—The Secretary, the Secretary of the Interior, and the County may agree to extend the deadline specified in paragraph (1).

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land directed to be exchanged under this Act—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—

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

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice; and

(C) Forest Service appraisal instructions.

(2) VALUE OF CERTAIN FEDERAL LAND.—In conducting the appraisal of the parcel of Federal land described in section 3(3)(C), the appraiser shall not consider the easement required for that parcel under subsection (d)(1) for purposes of determining the value of that parcel.

(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 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), as the Secretary and the County determine to be appropriate.

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under subparagraph (A)(i) 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 lands 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.—The Secretary of the Interior shall not convey to the County the parcel of land described in section 3(3)(C) until the County grants to the Aspen Valley Land Trust, the Roaring Fork Conservancy, or any other entity acceptable to the Secretary of the Interior and the County, a permanent conservation easement to the parcel, the terms of which—

(i)(I) provide public access to the parcel; and

(II) require that the parcel shall be used only for recreational, fish and wildlife conservation, and open space purposes; and

(ii) are acceptable to the Secretary of the Interior.

(B) REVERSION.—In the deed of conveyance that conveys the parcel of land described in section 3(3)(C) to the County, the Secretary of the Interior shall provide that title to the parcel shall, at the discretion of the Secretary of the Interior, revert to the United States at no cost to the United States if—

(i) the parcel is used for a purpose other than that described in subparagraph (A)(i)(II); or

(ii) the County or the entity holding the conservation easement elect to discontinue administering the parcel.

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance of the parcel described in section 3(3)(A) to the County, or at the request of the County, to the Aspen Valley Land Trust, the Secretary shall, as determined appropriate by the Secretary in consultation with the County, reserve to the United States a permanent easement to the parcel 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 disposition 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 with jurisdiction over the land and the County may agree to—

(1) minor adjustments to the boundaries of the Federal land and non-Federal land parcels; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

(d) MAP.—If there is a discrepancy between a map, acreage estimate, and legal or other description of the land to be exchanged under this Act, the map shall pre-

vail unless the Secretary with jurisdiction over the land and the County agree otherwise.

PURPOSE OF THE BILL

The purpose of H.R. 1129 is to authorize the exchange of certain land in the State of Colorado.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1129 authorizes a small land exchange in Pitkin County, Colorado, between the Bureau of Land Management (BLM), the U.S. Forest Service and the County. The exchange requires standard appraisals and equal value for the exchange. Following the completion of the appraisals, if the U.S. owes value to the County, the County will waive payment. If the County owes value to the U.S., the County will either convey a 160 acre parcel (identified in the legislation) to the Forest Service or will make a cash equalization payment. Such payment would be deposited in the fund under "Sisk Act" and used to acquire land for national forests in Colorado.

In the exchange the U.S. acquires 35 acres of the Ryan Property (known as the Ryan Ranch) in the White River National Forest near the town of Ashcroft from Pitkin County. The acquisition of this land will complete the Ashcroft Preservation Project, which was initiated by the Forest Service in 1980 to consolidate its National Forest land ownership in and around the historic Ashcroft Townsite. The U.S. will also acquire 18 acres of Grand Turk and Pontiac patented mining claims on Smuggler Mountain directly above Aspen, Colorado. Smuggler Mountain is a heavily used recreational area where the Forest Service is trying to consolidate its ownership.

From the Forest Service, Pitkin County would then acquire the "Wildwood" parcel (5.5 acres) south of Aspen, which will be re-conveyed by the County into private ownership. The conveyance will be subject to a permanent public easement for the East of Aspen Trail. From the BLM, Pitkin County would acquire 12 parcels, totaling 5.92 acres, in scattered mining claims on Smuggler Mountain. The parcels abut, or are adjacent to County land. Finally, the County would receive 40 acres of BLM land along the Crystal River near Carbondale, Colorado, for which the County must grant a permanent conservation easement on the parcel for continued public access.

COMMITTEE ACTION

H.R. 1129 was introduced on March 3, 2005, by Congressman Mark Udall (D-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On July 14, 2005, the Subcommittee held a hearing on the bill. On September 22, 2005, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman Mark Udall offered an amendment making technical changes requested by BLM. It was adopted by unanimous consent and the bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1129—Pitkin County Land Exchange Act of 2005

H.R. 1129 would authorize the Secretary of Agriculture and the Secretary of the Interior to convey a total of about 51 acres of federal land to Pitkin County, Colorado, in exchange for roughly 53 acres of land owned by that county. If the values of land to be exchanged are not approximately equal, those parties could exchange cash payments or additional land to make up any difference. H.R. 1129 specifies conditions for the county's use of the land it would receive through the proposed exchange. The land conveyed to the federal government under the bill would be added to the White River National Forest.

Based on information from the Forest Service and the Bureau of Land Management, CBO estimates that implementing H.R. 1129 would not significantly affect the federal budget. According to those agencies, the federal land to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years; therefore, we estimate that the proposed exchange would not reduce federal receipts. We further estimate that H.R. 1129 would not increase federal administrative or land-management costs by more than \$500,000 per year. Any spending for such costs would

be subject to appropriation. Enacting H.R. 1129 would not affect revenues.

H.R. 1129 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. This exchange would be voluntary on the part of Pitkin County as would any associated expenses.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.