

111TH CONGRESS
1ST SESSION

S. 555

To provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2009

Mr. UDALL of Colorado (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, 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 “Sugar Loaf Fire Pro-
5 tection District Land Exchange Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) since 1967, the Sugar Loaf Fire Protection
9 District, located west of Boulder, Colorado, has

1 owned and operated 2 fire stations on National For-
2 est System land pursuant to special use permits
3 issued by the Forest Service;

4 (2) the District seeks ownership of the land on
5 which the fire stations are located to enable the Dis-
6 trict—

7 (A) to establish an area for firefighter
8 training;

9 (B) to install bathroom facilities in each
10 fire station; and

11 (C) to expand each fire station in the fu-
12 ture;

13 (3) the National Forest System land on which
14 each fire station is located—

15 (A) consists of approximately 5.08 acres;

16 and

17 (B) is of limited utility for public adminis-
18 tration, recreation, or any other use because the
19 land has been occupied by the fire stations for
20 30 years;

21 (4) the District owns a parcel of non-Federal
22 land consisting of approximately 5.17 acres that the
23 District is willing to convey to the United States in
24 exchange for the parcel of National Forest System
25 land on which the fire stations are located;

1 (5) the non-Federal land offered by the Dis-
2 trict—

3 (A) is suitable for addition to the Arapaho-
4 Roosevelt National Forests; and

5 (B) if conveyed to the United States,
6 will—

7 (i) eliminate an isolated inholding in
8 the National Forest System land;

9 (ii) result in administrative cost sav-
10 ings to the United States by reducing costs
11 relating to forest boundary administration;
12 and

13 (iii) provide to the United States envi-
14 ronmental and public recreational use ben-
15 efits that will greatly exceed the benefits
16 provided by the National Forest System
17 land on which the fire stations are located;
18 and

19 (6) it is in the public interest to direct, expe-
20 dite, and facilitate completion of a land exchange in-
21 volving the Federal and non-Federal land to enable
22 the District to better provide fire protection services
23 to—

24 (A) residents of the District;

25 (B) residents of neighboring districts; and

- 1 (C) individuals who travel through—
2 (i) the District on Colorado Highway
3 119; and
4 (ii) National Forest System land that
5 is located within, or adjacent to, the Dis-
6 trict.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) DISTRICT.—The term “District” means the
10 Sugar Loaf Fire Protection District of Boulder, Col-
11 orado.

12 (2) FEDERAL LAND.—The term “Federal land”
13 means the parcel of approximately 5.08 acres of
14 Federal land that is—

15 (A) located in the National Forest; and

16 (B) depicted on the maps entitled “Sugar
17 Loaf Federal Lands—Station 1” and “Sugar
18 Loaf Federal Lands—Station 2” dated Novem-
19 ber, 2006.

20 (3) NATIONAL FOREST.—The term “National
21 Forest” means the Arapaho-Roosevelt National For-
22 ests located in the State of Colorado.

23 (4) NON-FEDERAL LAND.—The term “non-Fed-
24 eral land” means the parcel of approximately 5.17
25 acres of non-Federal land that is—

1 (A) located—

2 (i) in unincorporated Boulder County,
3 Colorado; and

4 (ii) between the communities of Boul-
5 der and Nederland, Colorado; and

6 (B) depicted on the map entitled “Non-
7 Federal Lands—Hibernian Load” and dated
8 November, 2006.

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture.

11 **SEC. 4. LAND EXCHANGE.**

12 (a) IN GENERAL.—If, not later than 30 days after
13 the date of enactment of this Act, the District offers to
14 convey to the Secretary all right, title, and interest of the
15 District in and to the non-Federal land, and the offer is
16 acceptable to the Secretary—

17 (1) the Secretary shall accept the offer; and

18 (2) on receipt of acceptable title in and to the
19 non-Federal land, the Secretary shall convey to the
20 District all right, title, and interest of the United
21 States in and to the Federal land.

22 (b) APPRAISALS; EQUALIZATION.—

23 (1) APPRAISALS.—

1 (A) IN GENERAL.—The Federal land and
2 non-Federal land shall be appraised by an inde-
3 pendent appraiser selected by the Secretary.

4 (B) REQUIREMENTS.—

5 (i) STANDARDS.—An appraisal con-
6 ducted under subparagraph (A) shall be
7 conducted in accordance with—

8 (I) the Uniform Appraisal Stand-
9 ards for Federal Land Acquisitions
10 developed by the Interagency Land
11 Acquisition Conference; and

12 (II) the Uniform Standards of
13 Professional Appraisal Practice.

14 (ii) ENCUMBRANCE.—The inde-
15 pendent appraiser selected by the Sec-
16 retary under subparagraph (A) shall not
17 consider the encumbrance described in sub-
18 section (e) during the conduct of an ap-
19 praisal under subparagraph (A).

20 (2) EQUALIZATION.—If the values of the Fed-
21 eral land and the non-Federal land to be conveyed
22 in the land exchange under subsection (a) are not
23 equal, the values may be equalized by—

24 (A) the Secretary making a cash equali-
25 zation payment to the District (including a cash

1 equalization payment the amount of which is
2 greater than the amount authorized by section
3 206(b) of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1716(b));

5 (B) the District making a cash equali-
6 zation payment to the Secretary;

7 (C) reducing the acreage of the Federal
8 land or the non-Federal land to be exchanged,
9 as appropriate; or

10 (D) any combination of—

11 (i) a cash equalization payment de-
12 scribed in subparagraph (A) or (B), as ap-
13 propriate; and

14 (ii) a reduction of acreage of the Fed-
15 eral land or the non-Federal land described
16 in subparagraph (C), as appropriate.

17 (c) CONDITION OF EXCHANGE.—As a condition of
18 the land exchange under subsection (a), to expedite the
19 land exchange and reduce the administrative costs of the
20 land exchange to the United States, the District shall pay
21 each cost relating to—

22 (1) each necessary land survey of the Federal
23 and non-Federal land; and

24 (2) each appraisal conducted by the inde-
25 pendent appraiser under subsection (b)(1).

1 (d) DEADLINE FOR COMPLETION OF LAND EX-
2 CHANGE.—It is the intent of Congress that the land ex-
3 change under subsection (a) shall be completed not later
4 than 120 days after the date of enactment of this Act.

5 (e) INTERIM USE OF FEDERAL LAND.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 during the period beginning on the date of enact-
8 ment of this Act and ending on the date of comple-
9 tion of the land exchange under subsection (a), the
10 District may carry out modifications to each fire sta-
11 tion located on the Federal land without further ac-
12 tion or authorization by the Secretary.

13 (2) INDEMNIFICATION REQUIREMENT.—Before
14 the conduct of any modification described in para-
15 graph (1), the District shall enter into a written
16 agreement with the Secretary, with respect to the
17 period described in that paragraph—

18 (A) to hold the United States harmless for
19 any liability arising from the conduct of any
20 modification; and

21 (B) to indemnify the United States against
22 any cost arising from—

23 (i) the ownership by the United States
24 of the Federal land; and

1 (ii) any action of the District (includ-
2 ing any employee, licensee, or agent of the
3 District) in carrying out any modification
4 or other action on the Federal land.

5 (f) AUTHORITY OF SECRETARY TO CONDUCT SALE
6 OF FEDERAL LAND.—

7 (1) IN GENERAL.—In accordance with para-
8 graph (2), if the land exchange under subsection (a)
9 is not completed by the date described in that sub-
10 section for any reason, the Secretary may offer to
11 sell to the District the Federal land.

12 (2) VALUE OF FEDERAL LAND.—The Secretary
13 may offer to sell to the District the Federal land for
14 an amount equal to the value for which the Federal
15 land is appraised under subsection (b)(1).

16 (g) DISPOSITION OF PROCEEDS.—

17 (1) IN GENERAL.—The Secretary shall deposit
18 in the fund established under Public Law 90–171
19 (commonly known as the “Sisk Act”) (16 U.S.C.
20 484a) any amount received by the Secretary as the
21 result of—

22 (A) a sale carried out under subsection
23 (f)(1); and

24 (B) any cash equalization payment under
25 subsection (b)(2)(B).

1 (2) USE OF PROCEEDS.—Amounts deposited
2 under paragraph (1) shall be available to the Sec-
3 retary, without further appropriation and until ex-
4 pended, for the acquisition of real property or inter-
5 ests in real property for inclusion in the portion of
6 the National Forest System located in the State of
7 Colorado.

8 (h) INCORPORATION, MANAGEMENT, AND STATUS OF
9 ACQUIRED LAND.—

10 (1) INCORPORATION; MANAGEMENT.—The non-
11 Federal land acquired by the Secretary under this
12 section shall—

13 (A) become part of the National Forest;
14 and

15 (B) be managed in accordance with each
16 law applicable to the National Forest System
17 (including regulations).

18 (2) BOUNDARY OF NATIONAL FOREST.—

19 (A) IN GENERAL.—The boundary of the
20 National Forest is modified in accordance with
21 the acquisition of the non-Federal land under
22 this section.

23 (B) LAND AND WATER CONSERVATION
24 FUND.—For the purposes of section 7 of the
25 Land and Water Conservation Fund Act of

1 1965 (16 U.S.C. 460l-9), the boundary of the
2 National Forest, as adjusted by subparagraph
3 (A), shall be considered to be the boundary of
4 the National Forest as of January 1, 1965.

5 (i) TECHNICAL CORRECTIONS WITH RESPECT TO
6 MAPS.—

7 (1) IN GENERAL.—Subject to the agreement of
8 the District, the Secretary may—

9 (A) make minor corrections to correct
10 technical and clerical errors in the maps de-
11 scribed in section 3; and

12 (B) adjust the boundary of the National
13 Forest to ensure the establishment of a bound-
14 ary that the Secretary determines could be ef-
15 fectively managed.

16 (2) DISCREPANCIES.—Subject to the agreement
17 of the Secretary and the District, if there is a dis-
18 crepancy between a map, acreage estimate, and legal
19 or other description of the land to be exchanged
20 under subsection (a), the map shall prevail.

21 (j) REVOCATION OF ORDERS; WITHDRAWAL.—

22 (1) REVOCATION OF ORDERS.—Any public
23 order withdrawing the Federal land from entry, ap-
24 propriation, or disposal under the public land laws

1 is revoked to the extent necessary to permit the con-
2 veyance of the Federal land to the District.

3 (2) WITHDRAWAL.—On the date of enactment
4 of this Act, if not already withdrawn or segregated
5 from entry and appropriation under the public land
6 laws (including the mining and mineral leasing laws)
7 and the Geothermal Steam Act of 1970 (30 U.S.C.
8 1001 et seq.), the Federal land is withdrawn until
9 the date of the conveyance of the Federal land to the
10 District.

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