

SUGAR LOAF FIRE PROTECTION DISTRICT LAND
EXCHANGE ACT

JULY 13, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3923]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3923) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes, 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 “Sugar Loaf Fire Protection District Land Exchange Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **DISTRICT.**—The term “District” means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(3) **NATIONAL FOREST.**—The term “National Forest” means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled “Sugarloaf

Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

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

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

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

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

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

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

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

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

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

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—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 until the date of the conveyance of the Federal land to the District.

PURPOSE OF THE BILL

The purpose of H.R. 3923 is to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado.

BACKGROUND AND NEED FOR LEGISLATION

Since 1967, the Forest Service has issued two special use permits to the Sugar Loaf Fire Protection District (District) to own and operate two fire stations on National Forest System land. The District would like to own the parcels on which the fire stations sit in order to build an area for firefighter training and bathroom facilities. Currently, the fire stations do not have running water, because state and county regulations prohibit well and septic systems on public lands for private use. The District would also like the option to expand the fire stations in the future.

H.R. 3923 authorizes the District and the Secretary of Agriculture to conduct a land exchange. The District would receive approximately 5.08 acres of federal land on which the fire stations sit, and the Forest Service would receive land of equal value from the District. The land proposed by the legislation to be acquired by the Forest Service is currently an inholding owned by the Sugar Loaf Fire Protection District within the Arapaho and Roosevelt National Forests.

COMMITTEE ACTION

H.R. 3923 was introduced on October 23, 2009 by Representative Jared Polis (D-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At an April 27th, 2010, hearing before the Subcommittee, a representative from the Department of Agriculture testified in favor of the bill, provided that the time line was modified and other technical corrections were made.

On June 16th, 2010, the Subcommittee was discharged from further consideration of H.R. 3923 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D-AZ) offered an amendment in the nature of a substitute to clarify the terms of the land exchange and to address other technical suggestions offered by the administration. The amendment in the nature of a substitute was agreed to by unanimous consent. 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3, 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 in-

cluded 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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

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:

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H.R. 3923 would authorize the exchange of approximately five acres of federal land for a similar amount of acreage owned by the Sugar Loaf Fire Protection District of Boulder, Colorado. If the land exchange does not occur within one year, the federal land could be sold to the district and the proceeds could be spent without further appropriation.

Based on information provided by the Forest Service, which administers the federal land to be conveyed, CBO estimates that implementing the bill would have no effect on the federal budget. The federal land could be disposed of (by either of the methods authorized by H.R. 3923) under existing law. Enacting this bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 3923 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. The land conveyance authorized in the bill would benefit the fire protection district. Any costs to the district would be incurred voluntarily.

On January 21, 2010, CBO transmitted a cost estimate for S. 555, the Sugar Loaf Fire Protection District Land Exchange Act of 2009, as ordered reported by the Senate Committee on Energy and Natural Resources on December 16, 2009. S. 555 and H.R. 3923 are nearly identical, and the estimated costs are the same.

The CBO staff contacts for this estimate are Alan Eder and Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3923 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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.

