

114TH CONGRESS  
2D SESSION

# S. 3006

To provide for the exchange of certain National Forest System land and non-Federal land in the State of Alaska, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 26, 2016

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the exchange of certain National Forest System land and non-Federal land in the State of Alaska, 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 “Alaska Mental Health  
5 Trust Land Exchange Act of 2016”.

6 **SEC. 2. FINDING; PURPOSE.**

7 (a) FINDING.—Congress finds that the exchange of  
8 land between the Alaska Mental Health Trust and the

1 Secretary of Agriculture authorized by this Act is in the  
2 public interest.

3 (b) PURPOSE.—The purpose of this Act is to provide  
4 for the exchange of land between the Alaska Mental  
5 Health Trust and the Secretary of Agriculture—

6 (1) to preserve the scenic and visual backdrops  
7 of southeastern Alaska communities, while creating  
8 economic opportunities in more remote areas of the  
9 State of Alaska;

10 (2) to secure Federal ownership and protection  
11 of non-Federal land in the State of Alaska that has  
12 significant natural, scenic, recreational, and other  
13 public values; and

14 (3) to contribute to the goals and objectives of  
15 timber management in the Tongass National Forest.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) ALASKA MENTAL HEALTH TRUST.—The  
19 term “Alaska Mental Health Trust” means the Alas-  
20 ka Mental Health Trust Authority, an agency of the  
21 State.

22 (2) FEDERAL LAND.—The term “Federal land”  
23 means the National Forest System land depicted on  
24 the maps in Exhibit B of the agreement between the  
25 Forest Service and the Alaska Mental Health Trust

1 entitled “Alaska Mental Health Land Exchange,  
2 Agreement to Initiate, Case No. 5x-18”.

3 (3) NON-FEDERAL LAND.—The term “non-Fed-  
4 eral land” means the parcels of Alaska Mental  
5 Health Trust land that are depicted on the maps in  
6 Exhibit A of the agreement between the Forest  
7 Service and the Alaska Mental Health Trust entitled  
8 “Alaska Mental Health Land Exchange, Agreement  
9 to Initiate, Case No. 5x-18”.

10 (4) SECRETARY.—The term “Secretary” means  
11 the Secretary of Agriculture.

12 (5) STATE.—The term “State” means the State  
13 of Alaska.

14 **SEC. 4. LAND EXCHANGE.**

15 (a) IN GENERAL.—If the Alaska Mental Health  
16 Trust offers to convey to the Secretary all right, title, and  
17 interest of the Alaska Mental Health Trust in and to the  
18 non-Federal land—

19 (1) the Secretary, on completion of the environ-  
20 mental reviews described in subsection (b), shall con-  
21 vey to the Alaska Mental Health Trust all right,  
22 title, and interest of the United States in and to the  
23 Federal land; and

24 (2) the Alaska Mental Health Trust, on receipt  
25 of title to the Federal land under paragraph (1),

1 shall convey to the Secretary all right, title, and in-  
2 terest of the Alaska Mental Health Trust in and to  
3 the non-Federal land, subject to subsection (c).

4 (b) COMPLIANCE WITH APPLICABLE LAW.—Before  
5 carrying out the land exchange under subsection (a), the  
6 Secretary shall complete any necessary land surveys and  
7 required pre-exchange clearances, reviews, mitigation ac-  
8 tivities, and approvals relating to—

- 9 (1) threatened and endangered species;
- 10 (2) cultural and historic resources;
- 11 (3) wetland and floodplains; and
- 12 (4) hazardous materials.

13 (c) CONDITIONS ON ACCEPTANCE.—Title to any non-  
14 Federal land conveyed by the Alaska Mental Health Trust  
15 to the Secretary under subsection (a)(2) shall be in a form  
16 that—

17 (1) is acceptable to the Secretary, in the case  
18 of non-Federal land to be administered by the For-  
19 est Service; and

20 (2) conforms to the title approval standards of  
21 the Attorney General applicable to land acquisitions  
22 by the Federal Government.

23 (d) APPRAISALS.—

24 (1) IN GENERAL.—As soon as practicable after  
25 the date of enactment of this Act, the Secretary and

1 the Alaska Mental Health Trust shall select an ap-  
2 praiser to conduct appraisals of the Federal land  
3 and non-Federal land.

4 (2) REQUIREMENTS.—

5 (A) IN GENERAL.—Except as provided in  
6 subparagraph (B), an appraisal required under  
7 this subsection shall be conducted in accordance  
8 with national recognized appraisal standards,  
9 including—

10 (i) the Uniform Appraisal Standards  
11 for Federal Land Acquisitions; and

12 (ii) the Uniform Standards of Profes-  
13 sional Appraisal Practice.

14 (B) FINAL APPRAISED VALUE.—

15 (i) IN GENERAL.—During the 3-year  
16 period beginning on the date on which the  
17 final appraised values of the Federal land  
18 and non-Federal land are approved by the  
19 Secretary, the Secretary shall not be re-  
20 quired to reappraise or update the final  
21 appraised values of the Federal land and  
22 non-Federal land.

23 (ii) EXCHANGE AGREEMENT.—After  
24 the date on which an exchange agreement  
25 is entered into by the Alaska Mental

1 Health Trust and the Secretary in accord-  
2 ance with section 254.14 of title 36, Code  
3 of Federal Regulations (or a successor reg-  
4 ulation), no reappraisal or updates to the  
5 final appraised values of the Federal land  
6 and non-Federal land approved by the Sec-  
7 retary shall be required.

8 (3) PUBLIC REVIEW.—Before carrying out the  
9 land exchange under subsection (a), the Secretary  
10 shall make the appraisals of the Federal land and  
11 non-Federal land available for public review.

12 (e) EQUAL VALUE LAND EXCHANGE.—

13 (1) IN GENERAL.—The value of the Federal  
14 land and non-Federal land to be exchanged under  
15 subsection (a) shall—

16 (A) be equal; or

17 (B) be equalized in accordance with this  
18 subsection.

19 (2) SURPLUS OF FEDERAL LAND VALUE.—

20 (A) IN GENERAL.—If the final appraised  
21 value of the Federal land exceeds the final ap-  
22 praised value of the non-Federal land, the Alas-  
23 ka Mental Health Trust shall—

1 (i) convey additional non-Federal land  
2 in the State to the Secretary, consistent  
3 with the requirements of this Act;

4 (ii) make a cash payment to the  
5 United States; or

6 (iii) use a combination of the methods  
7 described in clauses (i) and (ii), as agreed  
8 to by the Alaska Mental Health Trust and  
9 the Secretary.

10 (B) AMOUNT OF PAYMENT.—Notwith-  
11 standing section 206(b) of the Federal Land  
12 Policy and Management Act of 1976 (43 U.S.C.  
13 1716(b)), the Secretary may accept a payment  
14 under subparagraph (A) in excess of 25 percent  
15 of the total value of the Federal land or Federal  
16 interests conveyed.

17 (3) SURPLUS OF NON-FEDERAL LAND.—If the  
18 final appraised value of the non-Federal land ex-  
19 ceeds the value of the Federal land, parcels of the  
20 non-Federal land may be excluded from the ex-  
21 change in a quantity sufficient to result in an equal  
22 value exchange.

23 (f) COSTS.—As a condition of the exchange of Fed-  
24 eral land and non-Federal land authorized under sub-  
25 section (a), the Alaska Mental Health Trust shall agree

1 to pay, without compensation, all costs that are associated  
2 with the exchange.

3 (g) INTENT OF CONGRESS.—It is the intent of Con-  
4 gress that the land exchange authorized under subsection  
5 (a) shall be completed not later than 1 year after the date  
6 of enactment of this Act.

7 **SEC. 5. MANAGEMENT OF NON-FEDERAL LAND.**

8 (a) IN GENERAL.—On acquisition of the non-Federal  
9 land by the Secretary under section 4, the non-Federal  
10 land shall—

11 (1) become part of the Tongass National For-  
12 est; and

13 (2) be administered in accordance with the laws  
14 applicable to the National Forest System.

15 (b) BOUNDARY REVISION.—On acquisition of the  
16 non-Federal land by the Secretary under section 4, the  
17 boundaries of the Tongass National Forest shall be modi-  
18 fied to reflect the inclusion of the non-Federal land.

19 (c) LAND AND WATER CONSERVATION FUND.—For  
20 purposes of section 200306(a)(2)(B)(i) of title 54, United  
21 States Code, the boundaries of the Tongass National For-  
22 est, as modified under subsection (b), shall be considered  
23 to be the boundaries of the Tongass National Forest as  
24 in existence on January 1, 1965.



1 **SEC. 6. WITHDRAWAL.**

2 Subject to valid existing rights, the non-Federal land  
3 acquired by the Secretary under section 4 is withdrawn  
4 from all forms of—

5 (1) entry, appropriation, or disposal under the  
6 public laws;

7 (2) location, entry, and patent under the mining  
8 laws; and

9 (3) disposition under the mineral leasing, min-  
10 eral materials, and geothermal leasing laws.

11 **SEC. 7. MISCELLANEOUS PROVISIONS.**

12 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

13 (1) REVOCATION OF ORDERS.—Any public land  
14 order that withdraws the Federal land from appro-  
15 priation or disposal under a public land law shall be  
16 revoked to the extent necessary to permit conveyance  
17 of the land.

18 (2) WITHDRAWAL.—

19 (A) IN GENERAL.—If the Federal land or  
20 any Federal interest in the non-Federal land to  
21 be exchanged under this Act is not withdrawn  
22 or segregated from entry and appropriation  
23 under a public land law (including logging and  
24 mineral leasing laws and the Geothermal Steam  
25 Act of 1970 (30 U.S.C. 1001 et seq.)) as of the  
26 date of enactment of this Act, the Federal land

1 or Federal interest in the non-Federal land  
2 shall be withdrawn, without further action by  
3 the Secretary, from entry and appropriation on  
4 the date of enactment of this Act.

5 (B) TERMINATION.—The withdrawal  
6 under subparagraph (A) shall be terminated—

7 (i) on the date of the completion of  
8 the exchange of Federal land and non-Fed-  
9 eral land under section 4; or

10 (ii) if the Alaska Mental Health Trust  
11 notifies the Secretary in writing that the  
12 Alaska Mental Health Trust elects to with-  
13 draw from the land exchange under section  
14 206(d) of the Federal Land Policy and  
15 Management Act of 1976 (43 U.S.C.  
16 1716(d)), on the date on which the Sec-  
17 retary receives the notice of the election.

18 (b) MAPS, ESTIMATES, AND DESCRIPTIONS.—

19 (1) MINOR ERRORS.—The Secretary and the  
20 Alaska Mental Health Trust, by mutual agreement,  
21 may correct any minor errors in any map, acreage  
22 estimate, or description of any land conveyed or ex-  
23 changed under this Act.

24 (2) CONFLICT.—If there is a conflict between a  
25 map, acreage estimate, or description of land in this

1 Act, the map shall control unless the Secretary and  
2 the Alaska Mental Health Trust mutually agree oth-  
3 erwise.

4 (3) AVAILABILITY.—On the date of enactment  
5 of this Act, the Secretary shall file and make avail-  
6 able for public inspection in the office of the Super-  
7 visor of the Tongass National Forest each map re-  
8 ferred to in this Act.

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