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**Calendar No. 131**

112TH CONGRESS, *1st Session* | SENATE | REPORT 112–51

# SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT

AUGUST 30 (legislative day, AUGUST 2), 2011.—Ordered to be printed

Filed, under authority of the order of the Senate of August 2, 2011

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

## R E P O R T

[To accompany S. 278]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 278) 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, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE

The purpose of S. 278 is to provide for the exchange or sale of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado.

### BACKGROUND AND NEED

The Sugar Loaf Fire Protection District ("District") owns two fire stations located on separate parcels totaling approximately five acres of Federal land in the Arapaho-Roosevelt National Forests. The stations were constructed pursuant to special use permits originally issued decades ago, but they are not presently in compliance with those permits. The District would like to acquire the Federal land to facilitate an expansion of its facilities and increase the flexibility in its training and other operations on the property.

The District has proposed exchanging an approximately five-acre inholding that it owns in the national forest for the approximately five acres of land on which its fire stations are located. S. 278

99–010

would facilitate that exchange and, as an alternative, authorize the Secretary of Agriculture to sell the Federal land to the District for fair market value and use the proceeds for land acquisition in the National Forests.

## LEGISLATIVE HISTORY

S. 278 was introduced by Senators Udall and Bennet of Colorado on February 3, 2011. The Subcommittee on Public Lands and Forests held a hearing on S. 278 on May 18, 2011 (S. Hrg. 112–39). At its business meeting on July 14, 2011, the Committee on Energy and Natural Resources ordered S. 278 favorably reported without amendment. In the 111th Congress, identical bills to S. 278 were reported by the Committee (S. 555; S. Rept. 111–131) and passed by the House of Representatives (H.R. 3923, as amended, by voice vote on July 13, 2010), but the Senate took no further action on either bill.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 14, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 278.

## SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title for the bill.

*Section 2* provides the definitions for the bill, including definitions describing the two parcels of National Forest System land and the parcel of non-Federal land that would be involved in the exchange.

*Section 3(a)* provides for the conveyance of approximately 5.08 acres of National Forest land to the District in exchange for approximately 5.17 acres of non-Federal land within the National Forests that currently are owned by the District.

Subsection (b) requires the exchange to comply with the provisions of section 206 of the Federal Land Policy and Management Act (16 U.S.C. 1716), except that the District is required to pay the reasonable costs of any land surveys and appraisals that are required and that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

Subsection (c) provides that the exchange shall be subject to any valid existing rights and such terms and conditions as the Secretary may require.

Subsection (d) expresses the intent of Congress that the exchange proceed expeditiously—within one year after the date of enactment of the bill.

Subsection (e) authorizes the Secretary to sell the Federal land to the District for fair market value if an exchange is not completed within 1 year after the date of enactment of the bill.

Subsections (f), (g), and (h) provide for the disposition of any proceeds by the Secretary resulting from the exchange or sale of the Federal land, the incorporation and management of any land received by the Secretary, and the revocation and imposition of withdrawals for the Federal land and non-Federal land, respectively.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

*S. 278—Sugar Loaf Fire Protection District Land Exchange Act of 2011*

S. 278 would authorize the exchange of approximately 5 acres of federal land for a similar amount of acreage owned by the Sugar Loaf Fire Protection District of Boulder, Colorado. 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 impact on discretionary spending. Any administrative costs related to the exchange would be paid by the Sugar Loaf Fire Protection District.

Enacting S. 278 could increase offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. Because the nonfederal lands have a lower value than the Forest Service lands that would be conveyed, CBO expects that the Sugar Loaf Fire Protection District would provide a cash payment to the agency equal to the difference in values between the two parcels of land. Based on information from the Forest Service, CBO estimates that such a payment would be less than $50,000. Proceeds from the payment would be retained and spent by the Forest Service without further appropriation.

S. 278 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 June 27, 2011, CBO transmitted a cost estimate for H.R. 643, the Sugar Loaf Fire Protection District Land Exchange Act, as ordered reported by the House Committee on Natural Resources on June 15, 2011. Under H.R. 643, proceeds received by the Forest Service as part of the land exchange would be deposited in the Treasury. Under S. 278, the agency would retain those proceeds and spend them without further appropriation. Neither piece of legislation would have a significant impact on the federal budget.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 278.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 278, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 278, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the Forest Service at the May 18, 2011, hearing on S. 278 follows.

### STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF, FOREST SERVICE DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture on S. 278.

The Department supports this legislation and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified on the bill under consideration in the last Congress.

S. 278 would provide for the exchange or sale of two parcels of National Forest System lands, totaling 5.08 acres, within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District (SLFPD). A portion of one parcel is currently being used by SLFPD as a fire station under special use permit. The other parcel was under a similar permit that has expired.

The National Forest System lands proposed for conveyance have lost their national forest character. The lands that would be conveyed to the United States have suitable national forest character and would contribute to increased management efficiency. In addition, thanks in large part to previous work that has been done between the Forest Service (Arapaho-Roosevelt National Forest) and the Sugar Loaf Fire Protection District, we believe that the Forest Service and SLFPD will meet Congress' intent to have the parcels exchanged within one year.

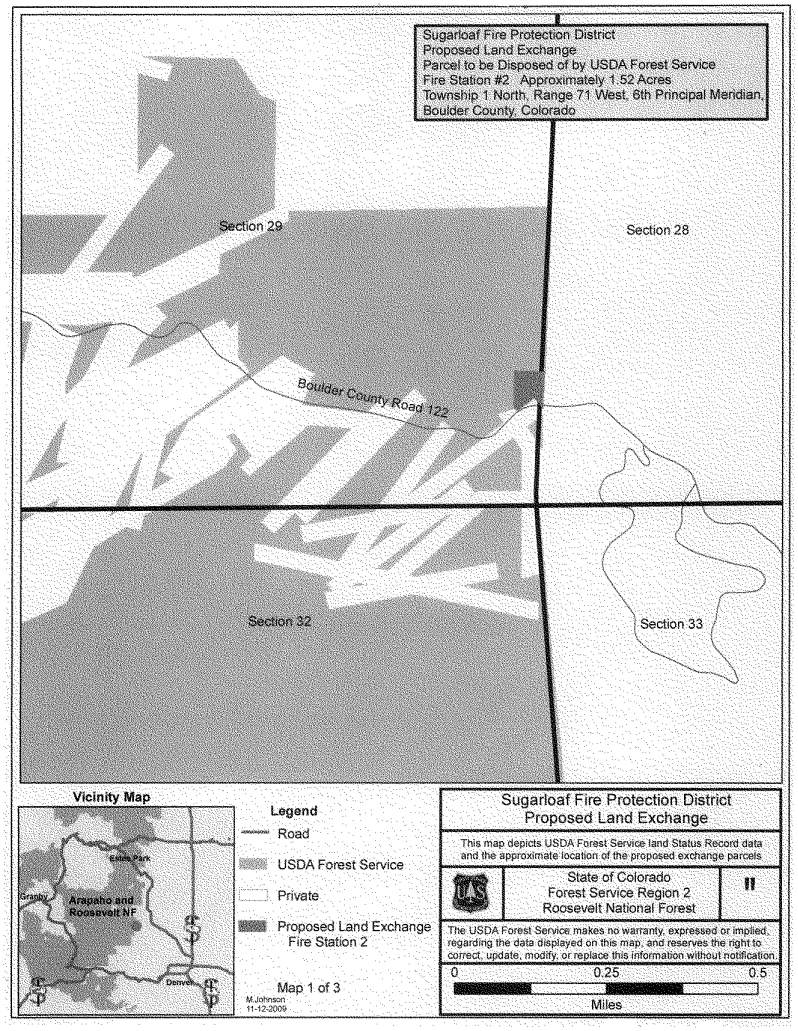
The Department supports the work of the SLFPD and its efforts to improve its facilities to deliver services more effectively. We view S. 278 as both benefitting management of the Arapaho National Forest and promoting emergency services in the fire protection district.

Mr. Chairman, Ranking Member and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 278, as ordered reported.

APPENDIX


Sugarloaf Fire Protection District
Proposed Land Exchange
Parcel to be Disposed of by USDA Forest Service
Fire Station #2 Approximately 1.52 Acres
Township 1 North, Range 71 West, 6th Principal Meridian,
Boulder County, Colorado
Section 29
Section 28
Boulder County Road 122
Section 32
Section 33
Vicinity Map
Estes Park
Granby
Arapaho and Roosevelt NF
Denver
Legend
Road
USDA Forest Service
Private
Proposed Land Exchange Fire Station 2
Map 1 of 3
M.Johnson
11-12-2009
Sugarloaf Fire Protection District
Proposed Land Exchange
This map depicts USDA Forest Service land Status Record data and the approximate location of the proposed exchange parcels
State of Colorado
Forest Service Region 2
Roosevelt National Forest
The USDA Forest Service makes no warranty, expressed or implied, regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.
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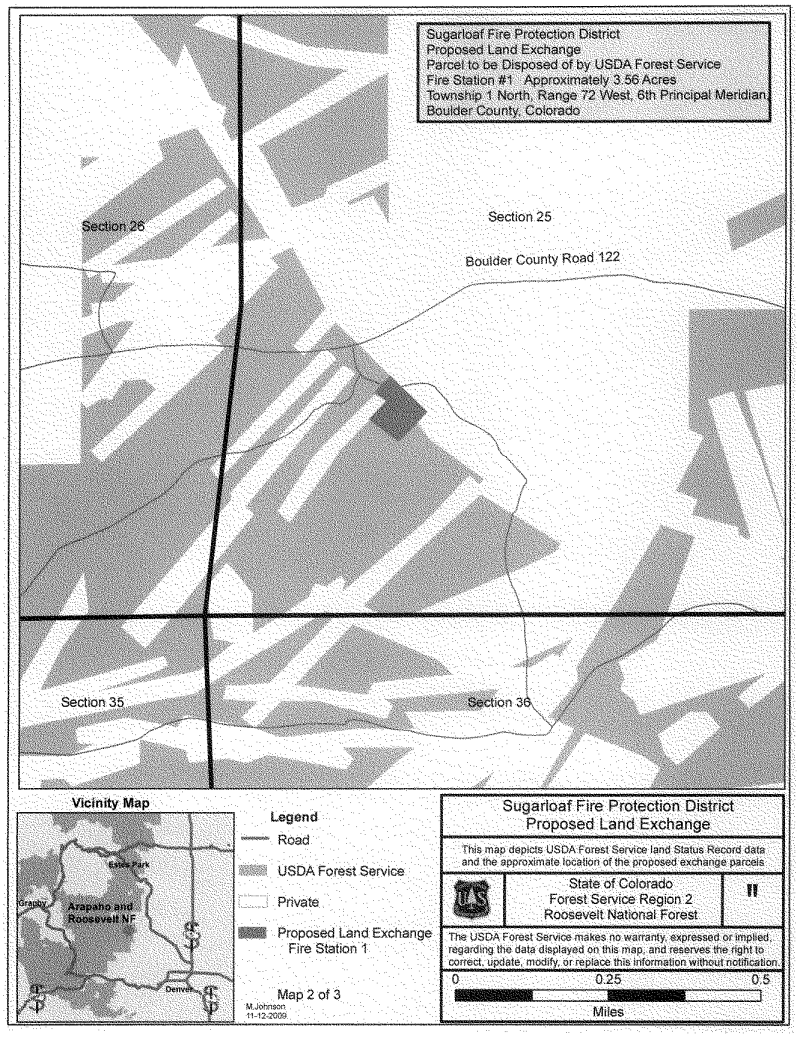
Sugarloaf Fire Protection District
Proposed Land Exchange
Parcel to be Disposed of by USDA Forest Service
Fire Station #1 Approximately 3.56 Acres
Township 1 North, Range 72 West, 6th Principal Meridian
Boulder County, Colorado
Section 26
Section 25
Boulder County Road 122
Section 35
Section 36
Vicinity Map
Estes Park
Granby
Arapaho and Roosevelt NF
Denver
Legend
Road
USDA Forest Service
Private
Proposed Land Exchange Fire Station 1
Map 2 of 3
M.Johnson
11-12-2009
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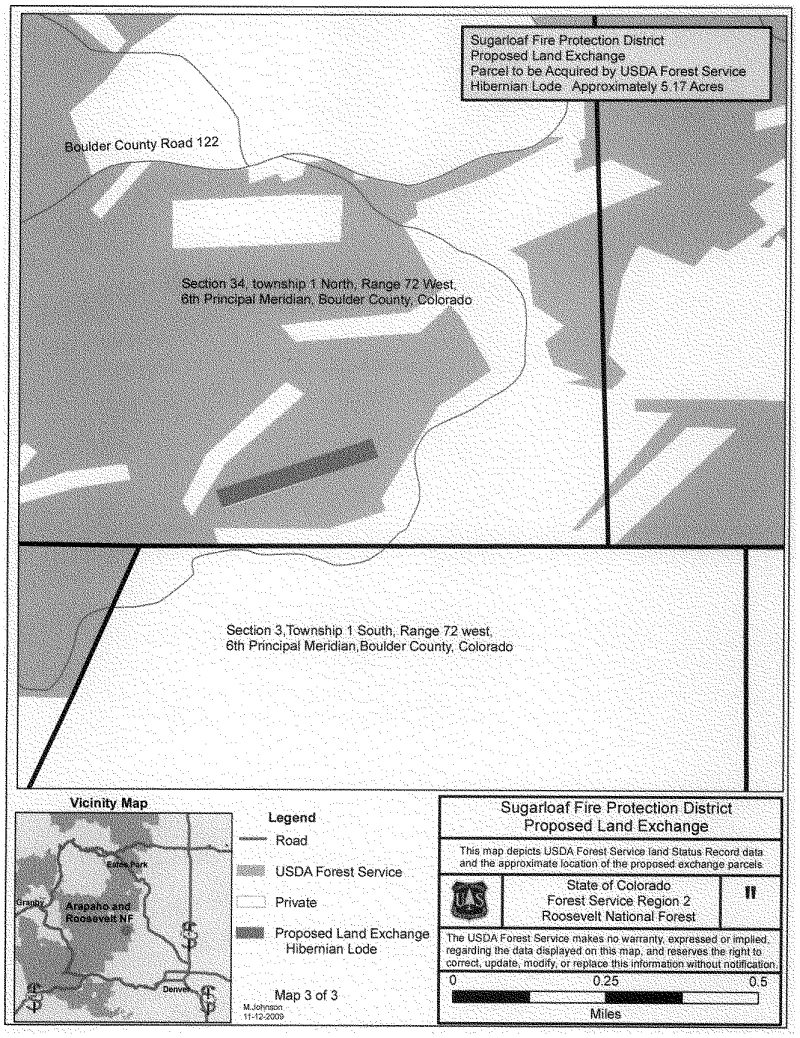
Sugarloaf Fire Protection District
Proposed Land Exchange
Parcel to be Acquired by USDA Forest Service
Hibernian Lode Approximately 5.17 Acres
Boulder County Road 122
Section 34, township 1 North, Range 72 West,
6th Principal Meridian, Boulder County, Colorado
Section 3,Township 1 South, Range 72 west,
6th Principal Meridian,Boulder County, Colorado
Vicinity Map
Estes Park
Granby
Arapaho and Roosevelt NF
Denver
Legend
Road
USDA Forest Service
Private
Proposed Land Exchange Hibernian Lode
Map 3 of 3
M.Johnson
11-12-2009
Sugarloaf Fire Protection District
Proposed Land Exchange
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