

104TH CONGRESS
1ST SESSION

S. 985

To provide for the exchange of certain lands in Gilpin County, Colorado.

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

Mr. CAMPBELL (for himself and Mr. BROWN) 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 lands in Gilpin County, Colorado.

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. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds that—

5 (1) certain scattered parcels of Federal land in
6 Gilpin County, Colorado, are administered by the
7 Secretary of the Interior as part of the Royal Gorge
8 Resource Area, Canon City District, Bureau of Land
9 Management;

1 (2) these land parcels, which comprises approxi-
2 mately 133 separate tracts of land, and range in size
3 from approximately 38 acres to much less than an
4 acre have been identified as suitable for disposal by
5 the Bureau of Land Management through its re-
6 source management planning process and are appro-
7 priate for disposal; and

8 (3) even though the Federal land parcels in Gil-
9 pin County, Colorado, are scattered and small in
10 size, they nevertheless by virtue of their proximity to
11 existing communities appear to have a fair market
12 value which may be used by the Federal Government
13 to exchange for lands which will better lend them-
14 selves to Federal management and have higher val-
15 ues for future public access, use and enjoyment,
16 recreation, the protection and enhancement of fish
17 and wildlife and fish and wildlife habitat, and the
18 protection of riparian lands, wetland, scenic beauty
19 and other public values.

20 (b) PURPOSE.—It is the purpose of this Act to au-
21 thorize, direct, facilitate and expedite the land exchange
22 set forth herein in order to further the public interest by
23 disposing of Federal lands with limited public utility and
24 acquire in exchange therefor lands with important values
25 for permanent public management and protection.

1 **SEC. 2. LAND EXCHANGE.**

2 (a) IN GENERAL.—The exchange directed by this Act
3 shall be consummated if within 90 days after enactment
4 of this Act, Lake Gulch, Inc., a Colorado Corporation (as
5 defined in section 4 of this Act) offers to transfer to the
6 United States pursuant to the provisions of this Act the
7 offered lands or interests in land described herein.

8 (b) CONVEYANCE BY LAKE GULCH.—Subject to the
9 provisions of section 3 of this Act, Lake Gulch shall convey
10 to the Secretary of the Interior all right, title, and interest
11 in and to the following offered lands—

12 (1) certain lands comprising approximately 40
13 acres with improvements thereon located in Larimer
14 County, Colorado, and lying within the boundaries of
15 Rocky Mountain National Park as generally depicted
16 on a map entitled “Circle C Church Camp”, dated
17 August 1994, which shall upon their acquisition by
18 the United States and without further action by the
19 Secretary of the Interior be incorporated into Rocky
20 Mountain National Park and thereafter be adminis-
21 tered in accordance with the laws, rules and regula-
22 tions generally applicable to the National Park Sys-
23 tem and Rocky Mountain National Park;

24 (2) certain lands located within and adjacent to
25 the United States Bureau of Land Management San
26 Luis Resource Area in Conejos County, Colorado,

1 which comprise approximately 3,993 acres and are
2 generally depicted on a map entitled “Quinlan
3 Ranches Tract”, dated August 1994; and

4 (3) certain lands located within the United
5 States Bureau of Land Management Royal Gorge
6 Resource Area in Huerfano County, Colorado, which
7 comprise approximately 4,700 acres and are gen-
8 erally depicted on a map entitled “Bonham Ranch-
9 Cucharas Canyon”, dated June 1995: *Provided*,
10 That it is the intention of Congress that such lands
11 may remain available for the grazing of livestock as
12 determined appropriate by the Secretary in accord-
13 ance with applicable laws, rules, and regulations:
14 *Provided further*, That if the Secretary determines
15 that certain of the lands acquired adjacent to
16 Cucharas Canyon hereunder are not needed for pub-
17 lic purposes they may be sold in accordance with the
18 provisions of section 203 of the Federal Land Policy
19 and Management Act of 1976 and other applicable
20 law.

21 (c) SUBSTITUTION OF LANDS.—If one or more of the
22 precise offered land parcels identified above is unable to
23 be conveyed to the United States due to appraisal or other
24 problems, Lake Gulch and the Secretary may mutually

1 agree to substitute therefor alternative offered lands ac-
2 ceptable to the Secretary.

3 (d) CONVEYANCE BY THE UNITED STATES.—(1)

4 Upon receipt of title to the lands identified in subsection
5 (a) the Secretary shall simultaneously convey to Lake
6 Gulch all right, title, and interest of the United States,
7 subject to valid existing rights, in and to the following se-
8 lected lands—

9 (A) certain surveyed lands located in Gilpin
10 County, Colorado, Township 3 South, Range 72
11 West, Sixth Principal Meridian, Section 18, Lots
12 118–220, which comprise approximately 195 acres
13 and are intended to include all federally owned lands
14 in section 18, as generally depicted on a map enti-
15 tled “Lake Gulch Selected Lands”, dated July 1994;

16 (B) certain surveyed lands located in Gilpin
17 County, Colorado, Township 3 South, Range 72
18 West, Sixth Principal Meridian, Section 17, Lots 37,
19 38, 39, 40, 52, 53, and 54, which comprise approxi-
20 mately 96 acres, as generally depicted on a map en-
21 titled “Lake Gulch Selected Lands”, dated July
22 1994; and

23 (C) certain unsurveyed lands located in Gilpin
24 County, Colorado, Township 3 South, Range 73
25 West, Sixth Principal Meridian, Section 13, which

1 comprise approximately 11 acres, and are generally
2 depicted as parcels 302–304, 306, and 308–326 on
3 a map entitled “Lake Gulch Selected Lands”, dated
4 July 1994: *Provided, however,* That a parcel or par-
5 cels of land in section 13 shall not be transferred to
6 Lake Gulch if at the time of the proposed transfer
7 the parcel or parcels are under formal application
8 for transfer to a qualified unit of local government.
9 Due to the small and unsurveyed nature of such
10 parcels proposed for transfer to Lake Gulch in sec-
11 tion 13, and the high cost of surveying such small
12 parcels, the Secretary is authorized to transfer such
13 section 13 lands to Lake Gulch without survey based
14 on such legal or other description as the Secretary
15 determines appropriate to carry out the basic intent
16 of the map cited in this subparagraph.

17 (2) If the Secretary and Lake Gulch mutually agree,
18 and the Secretary determines it is in the public interest,
19 the Secretary may utilize the authority and direction of
20 this Act to transfer to Lake Gulch lands in sections 17
21 and 13 that are in addition to those precise selected lands
22 shown on the map cited herein, and which are not under
23 formal application for transfer to a qualified unit of local
24 government, upon transfer to the Secretary of additional
25 offered lands acceptable to the Secretary or upon payment

1 to the Secretary by Lake Gulch of cash equalization money
2 amounting to the full appraised fair market value of any
3 such additional lands. If any such additional lands are lo-
4 cated in section 13 they may be transferred to Lake Gulch
5 without survey based on such legal or other description
6 as the Secretary determines appropriate as long as the
7 Secretary determines that the boundaries of any adjacent
8 lands not owned by Lake Gulch can be properly identified
9 so as to avoid possible future boundary conflicts or dis-
10 putes. If the Secretary determines surveys are necessary
11 to convey any such additional lands to Lake Gulch, the
12 costs of such surveys shall be paid by Lake Gulch but shall
13 not be eligible for any adjustment in the value of such
14 additional lands pursuant to section 206(f)(2) of the Fed-
15 eral Land Policy and Management Act of 1976 (as amend-
16 ed by the Federal Land Exchange Facilitation Act of
17 1988) (43 U.S.C. 1716(f)(2)).

18 (3) Prior to transferring out of public ownership pur-
19 suant to this Act or other authority of law any lands which
20 are contiguous to North Clear Creek southeast of the City
21 of Black Hawk, Colorado in the County of Gilpin, Colo-
22 rado, the Secretary shall notify and consult with the Coun-
23 ty and City and afford such units of local government an
24 opportunity to acquire or reserve pursuant to the Federal
25 Land Policy and Management Act of 1976 or other appli-

1 cable law, such easements or rights-of-way parallel to
2 North Clear Creek as may be necessary to serve public
3 utility line or recreation path needs: *Provided, however,*
4 That any survey or other costs associated with the acquisi-
5 tion or reservation of such easements or rights-of-way
6 shall be paid for by the unit or units of local government
7 concerned.

8 **SEC. 3. TERMS AND CONDITIONS OF EXCHANGE.**

9 (a) EQUALIZATION OF VALUES.—(1) The values of
10 the lands to be exchanged pursuant to this Act shall be
11 equal as determined by the Secretary of the Interior utiliz-
12 ing nationally recognized appraisal standards, including,
13 to the extent appropriate, the Uniform Standards for Fed-
14 eral Land Acquisition, the Uniform Standards of Profes-
15 sional Appraisal Practice, the provisions of section 206(d)
16 of the Federal Land Policy and Management Act of 1976
17 (43 U.S.C. 1716(d)), and other applicable law.

18 (2) In the event any cash equalization or land sale
19 moneys are received by the United States pursuant to this
20 Act, any such moneys shall be retained by the Secretary
21 of the Interior and may be utilized by the Secretary until
22 fully expended to purchase from willing sellers land or
23 water rights, or a combination thereof, to augment wildlife
24 habitat and protect and restore wetlands in the Bureau

1 of Land Management's Blanca Wetlands, Alamosa Coun-
2 ty, Colorado.

3 (3) Any water rights acquired by the United States
4 pursuant to this section shall be obtained by the Secretary
5 of the Interior in accordance with all applicable provisions
6 of Colorado law, including the requirement to change the
7 time, place, and type of use of said water rights through
8 the appropriate State legal proceedings and to comply with
9 any terms, conditions, or other provisions contained in an
10 applicable decree of the Colorado Water Court. The use
11 of any water rights acquired pursuant to this section shall
12 be limited to water that can be used or exchanged for
13 water that can be used on the Blanca Wetlands. Any re-
14 quirement or proposal to utilize facilities of the San Luis
15 Valley Project, Closed Basin Diversion, in order to effec-
16 tuate the use of any such water rights shall be subject
17 to prior approval of the Rio Grande Water Conservation
18 District.

19 (b) RESTRICTIONS ON SELECTED LANDS.—(1) Con-
20 veyance of the selected lands to Lake Gulch pursuant to
21 this Act shall be contingent upon Lake Gulch executing
22 an agreement with the United States prior to such convey-
23 ance, the terms of which are acceptable to the Secretary
24 of the Interior, and which—

1 (A) grant the United States a covenant that
2 none of the selected lands, (which currently lie out-
3 side the legally approved gaming area) shall ever be
4 used for purposes of gaming should the current legal
5 gaming area ever be expanded by the State of Colo-
6 rado; and

7 (B) permanently hold the United States harm-
8 less for liability and indemnify the United States
9 against all costs arising from any activities, oper-
10 ations (including the storing, handling, and dumping
11 of hazardous materials or substances) or other acts
12 conducted by Lake Gulch or its employees, agents,
13 successors or assigns on the selected lands after
14 their transfer to Lake Gulch: *Provided, however,*
15 That nothing in this Act shall be construed as either
16 diminishing or increasing any responsibility or liabil-
17 ity of the United States based on the condition of
18 the selected lands prior to or on the date of their
19 transfer to Lake Gulch.

20 (2) Conveyance of the selected lands to Lake Gulch
21 pursuant to this Act shall be subject to the existing ease-
22 ment for Gilpin County Road 6.

23 (3) The above terms and restrictions of this sub-
24 section shall not be considered in determining, or result
25 in any diminution in, the fair market value of the selected

1 land for purposes of the appraisals of the selected land
2 required pursuant to section 3 of this Act.

3 (c) REVOCATION OF WITHDRAWAL.—The Public
4 Water Reserve established by Executive order dated April
5 17, 1926 (Public Water Reserve 107), Serial Number Col-
6 orado 17321, is hereby revoked insofar as it affects the
7 NW¹/₄ SW¹/₄ of Section 17, Township 3 South, Range 72
8 West, Sixth Principal Meridian, which covers a portion of
9 the selected lands identified in this Act.

10 **SEC. 4. MISCELLANEOUS PROVISIONS.**

11 (a) DEFINITIONS.—As used in this Act.

12 (1) The term “Secretary” means the Secretary
13 of the Interior.

14 (2) The term “Lake Gulch” means Lake Gulch,
15 Inc., a Colorado corporation, or its successors, heirs
16 or assigns.

17 (3) The term “offered land” means lands to be
18 conveyed to the United States pursuant to this Act.

19 (4) The term “selected land” means lands to be
20 transferred to Lake Gulch, Inc., or its successors,
21 heirs or assigns pursuant to this Act.

22 (5) The term “Blanca Wetlands” means an
23 area of land comprising approximately 9,200 acres,
24 as generally depicted on a map entitled “Blanca
25 Wetlands”, dated April 1994, or such land as the

1 Secretary may add thereto by purchase from willing
2 sellers after the date of enactment of this Act utiliz-
3 ing funds provided by this Act or such other moneys
4 as Congress may appropriate.

5 (b) TIME REQUIREMENT FOR COMPLETING TRANS-
6 FER.—It is the intent of Congress that unless the Sec-
7 retary and Lake Gulch mutually agree otherwise the ex-
8 change of lands authorized and directed by this Act shall
9 be completed not later than 6 months after the date of
10 enactment of this Act. In the event the exchange cannot
11 be consummated within such 6-month-time period, the
12 Secretary, upon application by Lake Gulch, is directed to
13 sell to Lake Gulch at appraised fair market value any or
14 all of the parcels (comprising a total of approximately 11
15 acres) identified in section 2(d)(1)(C) of this Act as long
16 as the parcel or parcels applied for are not under formal
17 application for transfer to a qualified unit of local govern-
18 ment.

19 (c) ADMINISTRATION OF LANDS ACQUIRED BY UNIT-
20 ED STATES.—In accordance with the provisions of section
21 206(c) of the Federal Land Policy and Management Act
22 of 1976 (43 U.S.C. 1716(c)), all lands acquired by the
23 United States pursuant to this Act shall upon acceptance
24 of title by the United States and without further action
25 by the Secretary concerned become part of and be man-

- 1 aged as part of the administrative unit or area within
- 2 which they are located.

