

103^D CONGRESS
2^D SESSION

H. R. 5016

Entitled “Gilpin County, Colorado—B.L.M. Land Transfer Act of 1994”.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 1994

Mr. SKAGGS introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

Entitled “Gilpin County, Colorado—B.L.M. Land Transfer
Act of 1994”.

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 PURPOSES.**

4 (a) FINDINGS.—Congress finds and declares that—

5 (1) certain scattered parcels of Federal land lo-
6 cated within Gilpin County, Colorado, are currently
7 administered by the Secretary of the Interior as part
8 of the Royal Gorge Resource Area, Canon City Dis-
9 trict, United States Bureau of Land Management;

10 (2) these land parcels, comprised of approxi-
11 mately 130 separate tracts of land ranging in size

1 from approximately 38 acres to much less than an
2 acre, have been identified as suitable for disposal by
3 the Bureau of Land Management through its re-
4 source management planning process and are appro-
5 priate for disposal; and

6 (3) even though these land parcels are scattered
7 and small in size, they nevertheless appear to have
8 a fair market value which may be used by the Fed-
9 eral Government to exchange for lands which will
10 better lend themselves to Federal management and
11 have higher values for future public access, use and
12 enjoyment, recreation, the protection and enhance-
13 ment of fish and wildlife and fish and wildlife habi-
14 tat, and the protection of riparian lands, wetlands,
15 scenic beauty and other public values.

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

22 **SEC. 2. LAND EXCHANGE.**

23 (a) IN GENERAL.—The exchange directed by this Act
24 shall be consummated if within 90 days after enactment
25 of this Act Lake Gulch, Inc., a Colorado corporation (as

1 defined in section 4 of this Act), offers to transfer to the
2 United States pursuant to the provisions of this Act the
3 offered lands or interests in land described herein.

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

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

20 (2) certain lands located along the Arkansas
21 River in Lake County, Colorado, which comprise ap-
22 proximately 517 acres, as generally depicted on a
23 map entitled “Arkansas River Headwaters Front-
24 age”, dated August 1994; and

1 (3) certain lands located within and adjacent to
2 the United States Bureau of Land Management San
3 Luis Resource Area in Conejos County, Colorado,
4 which comprise approximately 3,993 acres and are
5 generally depicted on a map entitled “Quinlan
6 Ranches Tract”, dated August 1994.

7 (c) SUBSTITUTION OF LANDS.—If one or more of the
8 precise offered land parcels identified above is unable to
9 be conveyed to the United States due to appraisal or other
10 problems, Lake Gulch and the Secretary may mutually
11 agree to substitute therefor alternative offered lands ac-
12 ceptable to the Secretary.

13 (d) CONVEYANCE BY THE UNITED STATES.—(1)
14 Upon receipt of title to the lands identified in subsection
15 (a) the Secretary shall simultaneously convey to Lake
16 Gulch all right, title, and interest of the United States,
17 subject to valid existing rights, in and to the following se-
18 lected lands—

19 (A) certain surveyed lands located in Gilpin
20 County, Colorado, Township 3 South, Range 72
21 West, Sixth Principal Meridian, Section 18, Lots
22 118–220, which comprise approximately 195 acres
23 and are intended to include all federally owned lands
24 in section 18, as generally depicted on a map enti-
25 tled “Lake Gulch Selected Lands”, dated July 1994;

1 (B) certain surveyed lands located in Gilpin
2 County, Colorado, Township 3 South, Range 72
3 West, Sixth Principal Meridian, Section 17, Lots 37,
4 38, 39, 40, 52, 53, and 54, which comprise approxi-
5 mately 96 acres, as generally depicted on a map en-
6 titled “Lake Gulch Selected Lands”, dated July
7 1994; and

8 (C) certain unsurveyed lands located in Gilpin
9 County, Colorado, Township 3 South, Range 73
10 West, Sixth Principal Meridian, Section 13, which
11 comprise approximately 10 acres, and are generally
12 depicted as parcels 307–326 on a map entitled
13 “Lake Gulch Selected Lands”, dated July 1994:
14 *Provided, however,* That a parcel or parcels of land
15 in section 13 shall not be transferred to Lake Gulch
16 if at the time of the proposed transfer the parcel or
17 parcels are under formal application for transfer to
18 a qualified unit of local government. Due to the
19 small and unsurveyed nature of such parcels pro-
20 posed for transfer to Lake Gulch in section 13, and
21 the high cost of surveying such small parcels, the
22 Secretary is authorized to transfer such section 13
23 lands to Lake Gulch without survey based on such
24 legal or other description as he determines appro-

1 puate to carry out the basic intent of the map cited
2 in this subparagraph.

3 (2) If the Secretary and Lake Gulch mutually agree,
4 and the Secretary determines it is in the public interest,
5 the Secretary may utilize the authority and direction of
6 this Act to transfer to Lake Gulch lands in sections 17
7 and 13 that are in addition to those precise selected lands
8 shown on the maps cited in paragraphs (d)(1)(B) and
9 (d)(1)(C), and which are not under formal application for
10 transfer to a qualified unit of local government, upon
11 transfer to the Secretary of additional offered lands ac-
12 ceptable to the Secretary or upon payment to the Sec-
13 retary by Lake Gulch of cash equalization money amount-
14 ing to the full appraised fair market value of any such
15 additional lands. If any such additional lands are located
16 in section 13 they may be transferred to Lake Gulch with-
17 out survey based on such legal or other description as the
18 Secretary determines appropriate as long as the Secretary
19 determines that the boundaries of any adjacent lands not
20 owned by Lake Gulch can be properly identified so as to
21 avoid possible future boundary conflicts or disputes. If the
22 Secretary determines surveys are necessary to convey any
23 such additional lands to Lake Gulch, the costs of such sur-
24 veys shall be paid by Lake Gulch but shall not be eligible
25 for any adjustment in the value of such additional lands

1 pursuant to section 206(f)(2) of the Federal Land Policy
2 and Management Act of 1976 (as amended by the Federal
3 Land Exchange Facilitation Act of 1988) (43 U.S.C.
4 1716(f)(2)).

5 (3) Prior to transferring out of public ownership pur-
6 suant to this Act or other authority of law any lands which
7 are contiguous to North Clear Creek southeast of the City
8 of Black Hawk, Colorado, in the County of Gilpin, Colo-
9 rado, the Secretary shall notify and consult with the gov-
10 ernments of the County and the City and afford such units
11 of local government an opportunity to acquire or reserve
12 pursuant to the Federal Land Policy and Management Act
13 of 1976 or other applicable law such easements or rights-
14 of-way parallel to North Clear Creek as may be necessary
15 to serve public utility line or recreation path needs: *Pro-*
16 *vided, however,* That any survey or other costs associated
17 with the acquisition or reservation of such easements or
18 rights-of-way shall be paid for by the unit or units of local
19 government concerned.

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

21 (a) EQUALIZATION OF VALUES.—The values of the
22 lands to be exchanged pursuant to this Act shall be equal
23 as determined by the Secretary of the Interior utilizing
24 nationally recognized appraisal standards, including, to
25 the extent appropriate, the Uniform Standards for Federal

1 Land Acquisition, the Uniform Standards of Professional
2 Appraisal Practice, the provisions of section 206(d) of the
3 Federal Land Policy and Management Act of 1976 (43
4 U.S.C. 1716(d)), and other applicable law. In the event
5 it is determined that cash equalization moneys are owed
6 to the United States in the exchange, any such cash
7 equalization moneys shall be retained by the Secretary of
8 the Interior and may be utilized by the Secretary until
9 fully expended to purchase from willing sellers land or
10 water rights, or a combination thereof, to augment wildlife
11 habitat and protect and restore wetlands in the Bureau
12 of Land Management's Blanca Wetlands, Alamosa Coun-
13 ty, Colorado. Any water rights acquired by the United
14 States pursuant to this section shall be obtained by the
15 Secretary of the Interior in accordance with all applicable
16 provisions of Colorado law, including the requirement to
17 change the time, place, and type of use of said water rights
18 through the appropriate State legal proceedings and to
19 comply with any terms, conditions, or other provisions
20 contained in an applicable decree of the Colorado Water
21 Court. The use of any water rights acquired pursuant to
22 this section shall be limited to water than can be used
23 or exchanged for water that can be used on the Blanca
24 Wetlands. Any requirement or proposal to utilize facilities
25 of the San Luis Valley Project, Closed Basin Diversion,

1 in order to effectuate the use of any such water rights
2 shall be subject to prior approval of the Rio Grande Water
3 Conservation District.

4 (b) RESTRICTIONS ON SELECTED LANDS.—(1) Con-
5 veyance of the selected lands to Lake Gulch pursuant to
6 this Act shall be contingent upon Lake Gulch executing
7 an agreement with the United States prior to such convey-
8 ance, the terms of which are acceptable to the Secretary
9 of the Interior, and which—

10 (A) grants the United States a covenant that
11 none of the selected lands (all of which currently lie
12 outside the State of Colorado's current legally ap-
13 proved gaming area) shall ever be used for purposes
14 of gaming should the current legal gaming area ever
15 be expanded by the State of Colorado; and

16 (B) permanently holds the United States harm-
17 less for liability and indemnify the United States
18 against all costs arising from any activities, oper-
19 ations (including the storing, handling, and dumping
20 of hazardous materials or substances) or other acts
21 conducted by Lake Gulch or its employees, agents,
22 successors or assigns on the selected lands after
23 their transfer to Lake Gulch: *Provided, however,*
24 That nothing in this Act shall be construed as either
25 diminishing or increasing any responsibility or liabil-

1 ity of the United States based on the condition of
2 the selected lands prior to or on the date of their
3 transfer to Lake Gulch.

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

7 (3) The above terms and restrictions of this sub-
8 section shall not be considered in determining, or result
9 in any diminution in, the fair market value of the selected
10 land for purposes of the appraisals of the selected land
11 required pursuant to section 3 of this Act.

12 (c) REVOCATION OF WITHDRAWAL.—The Public
13 Water Reserve established by Executive order dated April
14 17, 1926 (Public Water Reserve 107), Serial Number Col-
15 orado 17321, is hereby revoked insofar as it affects the
16 NW¹/₄ SW¹/₄ of Section 17, Township 3 South, Range 72
17 West, Sixth Principal Meridian, which covers a portion of
18 the selected lands identified in this Act.

19 (d) MANAGEMENT OF CERTAIN LANDS.—Upon their
20 acquisition by the United States, the lands referred to in
21 section 2(b)(2) of this Act shall be managed by the Sec-
22 retary of the Interior in accordance with the laws, rules,
23 and regulations generally applicable to the public lands,
24 and, as appropriate, in accordance with cooperative agree-
25 ments such as the existing Arkansas Headwaters Recre-

1 ation Area Memorandum of Understanding, with special
2 emphasis on public fishing and recreational access to the
3 Arkansas River, and riparian and wetland habitat protec-
4 tion. The acquisition of such lands by the Secretary shall
5 not be construed to impose any responsibility or liability
6 on the Secretary with respect to hazardous substances
7 which may exist on the lands as of the date of their acqui-
8 sition by the United States. Without precluding any future
9 determination by the Secretary or appropriate Federal or
10 State authorities that cleanup of any hazardous sub-
11 stances which may be found to exist on the property would
12 be appropriate, nothing in this Act shall be construed to
13 require the Secretary to undertake any hazardous sub-
14 stances cleanup activities or studies.

15 **SEC. 4. MISCELLANEOUS PROVISIONS.**

16 (a) DEFINITIONS.—As used in this Act:

17 (1) The term “Secretary” means the Secretary
18 of the Interior.

19 (2) The term “Lake Gulch” means Lake Gulch,
20 Inc., a Colorado corporation, or its successors, heirs
21 or assigns.

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

24 (4) The term “selected land” means lands to be
25 transferred to Lake Gulch pursuant to this Act.

1 (5) The term “Blanca Wetlands” means an
2 area of land comprising approximately 9,290 acres,
3 as generally depicted on a map entitled “Blanca
4 Wetlands”, dated August 1994, and any nearby land
5 which the Secretary may purchase from willing sell-
6 ers after the date of enactment of this Act utilizing
7 funds provided by this Act or other funds and man-
8 age in conjunction with and for the same general
9 purposes as the land depicted on that map.

10 (b) TIME REQUIREMENT FOR COMPLETING TRANS-
11 FER.—It is the intent of Congress that unless the Sec-
12 retary and Lake Gulch mutually agree otherwise the ex-
13 change of lands authorized and directed by this Act shall
14 be completed not later than 6 months after the date of
15 enactment of this Act.

16 (c) ADMINISTRATION OF LANDS ACQUIRED BY UNIT-
17 ED STATES.—In accordance with the provisions of section
18 206(c) of the Federal Land Policy and Management Act
19 of 1976 (43 U.S.C. 1716(c)), all lands acquired by the
20 United States pursuant to this Act shall upon acceptance
21 of title by the United States and without further action
22 by the Secretary concerned become part of and be man-
23 aged as part of the administrative unit or area within
24 which they are located.

○