

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2437

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1995

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

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## 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 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, which comprises approxi-  
11              mately 133 separate tracts of land, and range 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 the Federal land parcels in Gil-  
7 pin County, Colorado, are scattered and small in  
8 size, they nevertheless by virtue of their proximity to  
9 existing communities appear to have a fair market  
10 value which may be used by the Federal Government  
11 to exchange for lands which will better lend them-  
12 selves to Federal management and have higher val-  
13 ues for future public access, use and enjoyment,  
14 recreation, the protection and enhancement of fish  
15 and wildlife and fish and wildlife habitat, and the  
16 protection of riparian lands, wetlands, scenic beauty  
17 and other public values.

18 (b) PURPOSE.—It is the purpose of this Act to au-  
19 thorize, direct, facilitate and expedite the land exchange  
20 set forth herein in order to further the public interest by  
21 disposing of Federal lands with limited public utility and  
22 acquire in exchange therefor lands with important values  
23 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 *however,* That it is the intention of Congress that  
11 such lands may remain available for the grazing of  
12 livestock as determined appropriate by the Secretary  
13 in accordance with applicable laws, rules, and regu-  
14 lations: *Provided further,* That if the Secretary de-  
15 termines that certain of the lands acquired adjacent  
16 to Cucharas Canyon hereunder are not needed for  
17 public purposes they may be sold in accordance with  
18 the provisions of section 203 of the Federal Land  
19 Policy and Management Act of 1976 and other ap-  
20 plicable 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,  
16 1994;

17 (B) certain surveyed lands located in Gilpin  
18 County, Colorado, Township 3 South, Range 72  
19 West, Sixth Principal Meridian, Section 17, Lots 37,  
20 38, 39, 40, 52, 53, and 54, which comprise approxi-  
21 mately 96 acres, as generally depicted on a map en-  
22 titled “Lake Gulch Selected Lands”, dated July,  
23 1994; and

24 (C) certain unsurveyed lands located in Gilpin  
25 County, Colorado, Township 3 South, Range 73

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

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

1 offered lands acceptable to the Secretary or upon payment  
2 to the Secretary by Lake Gulch of cash equalization money  
3 amounting to the full appraised fair market value of any  
4 such additional lands. If any such additional lands are lo-  
5 cated in section 13 they may be transferred to Lake Gulch  
6 without survey based on such legal or other description  
7 as the Secretary determines appropriate as long as the  
8 Secretary determines that the boundaries of any adjacent  
9 lands not owned by Lake Gulch can be properly identified  
10 so as to avoid possible future boundary conflicts or dis-  
11 putes. If the Secretary determines surveys are necessary  
12 to convey any such additional lands to Lake Gulch, the  
13 costs of such surveys shall be paid by Lake Gulch but shall  
14 not be eligible for any adjustment in the value of such  
15 additional lands pursuant to section 206(f)(2) of the Fed-  
16 eral Land Policy and Management Act of 1976 (as amend-  
17 ed by the Federal Land Exchange Facilitation Act of  
18 1988) (43 U.S.C. 1716(f)(2)).

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

1 Land Policy and Management Act of 1976 or other appli-  
2 cable law, such easements or rights-of-way parallel to  
3 North Clear Creek as may be necessary to serve public  
4 utility line or recreation path needs: *Provided, however,*  
5 That any survey or other costs associated with the acquisi-  
6 tion or reservation of such easements or rights-of-way  
7 shall be paid for by the unit or units of local government  
8 concerned.

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

10 (a) EQUALIZATION OF VALUES.—(1) The values of  
11 the lands to be exchanged pursuant to this Act shall be  
12 equal as determined by the Secretary of the Interior utiliz-  
13 ing nationally recognized appraisal standards, including,  
14 to the extent appropriate, the Uniform Standards for Fed-  
15 eral Land Acquisition, the Uniform Standards of Profes-  
16 sional Appraisal Practice, the provisions of section 206(d)  
17 of the Federal Land Policy and Management Act of 1976  
18 (43 U.S.C. 1716(d)), and other applicable law.

19 (2) In the event any cash equalization or land sale  
20 moneys are received by the United States pursuant to this  
21 Act, any such moneys shall be retained by the Secretary  
22 of the Interior and may be utilized by the Secretary until  
23 fully expended to purchase from willing sellers land or  
24 water rights, or a combination thereof, to augment wildlife  
25 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 than 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 NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 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 9,290 acres,  
24 as generally depicted on a map entitled “Blanca  
25 Wetlands”, dated August, 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  
20 UNITED STATES.—In accordance with the provisions of  
21 section 206(c) of the Federal Land Policy and Manage-  
22 ment Act of 1976 (43 U.S.C. 1716(c)), all lands acquired  
23 by the United States pursuant to this Act shall upon ac-  
24 ceptance of title by the United States and without further  
25 action by the Secretary concerned become part of and be

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

