

Union Calendar No. 282

105TH CONGRESS
2^D SESSION

H. R. 1309

[Report No. 105–489]

To provide for an exchange of lands with the city of Greeley, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. BOB SCHAFER of Colorado introduced the following bill; which was referred to the Committee on Resources

APRIL 22, 1998

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide for an exchange of lands with the city of Greeley, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, 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,*

1 **SECTION 1. LAND EXCHANGE WITH CITY OF GREELEY, COL-**
2 **ORADO, AND THE WATER SUPPLY AND STOR-**
3 **AGE COMPANY.**

4 (a) IN GENERAL.—If the city of Greeley, Colorado,
5 and The Water Supply and Storage Company, a Colorado
6 mutual ditch company, offer to transfer all their right,
7 title, and interest in and to lands described in subsection
8 (b), the Secretary of Agriculture shall, not later than 1
9 year after the date of the city’s and company’s offer, in
10 exchange for the property, transfer to the city and to the
11 company, as the city and the company, respectively, shall
12 designate, all right, title, and interest of the United States
13 in and to the Federal land described in subsection (c).

14 (b) CITY AND COMPANY LANDS.—

15 (1) IN GENERAL.—The city and company lands
16 to be exchanged under this section are the lands de-
17 scribed in paragraph (2) that are depicted on maps
18 entitled “Rockwell Ranch Property Land Ex-
19 change”, “Timberline Lake Property”, and “Cam-
20 eron Pass Lands” dated February 7, 1997.

21 (2) ACREAGE.—

22 (A) ROCKWELL RANCH PROPERTY.—The
23 Rockwell Ranch property is comprised of 4 par-
24 cels containing approximately 520 acres of land.

25 (B) TIMBERLINE LAKE PROPERTY.—The
26 Timberline Lake Property is a parcel of ap-

1 proximately 10 acres located in the Comanche
2 Peak Wilderness.

3 (C) CAMERON PASS LANDS.—The Cameron
4 Pass Lands consist of 2 parcels totaling ap-
5 proximately 178 acres owned by The Water
6 Supply and Storage Company.

7 (3) QUIT CLAIM DEED.—The land described in
8 paragraph (2)(B) shall be conveyed by quit claim
9 deed for the purposes of eliminating any title conflict
10 between the city of Greeley and the United States in
11 regard to the land.

12 (4) AVAILABILITY OF MAPS.—The maps de-
13 scribed in paragraph (1) shall be on file and avail-
14 able for public inspection in the office of the Super-
15 visor of the Arapaho National Forest and Roosevelt
16 National Forest in Fort Collins, Colorado.

17 (c) FEDERAL LANDS.—

18 (1) IN GENERAL.—The Federal lands to be ex-
19 changed under this section are the lands depicted on
20 the maps described in subsection (b) as “Federal
21 Exchange Lands”.

22 (2) ACREAGE.—The total area of Federal land
23 to be exchanged is approximately 1,176 acres, in-
24 cluding approximately 447 acres occupied by the city
25 and the company under perpetual easements of the

1 United States Department of the Interior, Nos.
2 D-028135 and D-029149.

3 (3) LAND INCLUDED.—The Federal land to be
4 exchanged includes the following:

5 (A) All Federal land within the high water
6 contour lines (that is, the elevation of the dam
7 crest) of the following reservoirs: Barnes Mead-
8 ow, Chambers Lake, Comanche, Hourglass,
9 Long Draw, Milton Seaman, Peterson Lake,
10 and Twin Lakes, together with their dams and
11 structures.

12 (B) A surcharge and operational access
13 area around each reservoir consisting of an av-
14 erage 50-foot horizontal projection from the
15 high water line and an average 100-foot hori-
16 zontal projection from the outer perimeter of all
17 dams, and appurtenant structures (including
18 outlets, measuring devices, spillways,
19 wasteways, toe drains, canals, abutments, and
20 the Peterson Lake operations cabin), as gen-
21 erally depicted on the maps described in sub-
22 section (b), the access area to the east of Long
23 Draw Reservoir being limited to the extent nec-
24 essary to convey only the land within the
25 boundary of a national forest.

1 (C) The Federal land that would be occu-
 2 pied by an enlargement of Seaman Reservoir to
 3 an approximate capacity of 43,000 acre feet
 4 (but not to exceed 50,000 acre feet), including
 5 an average 50-foot horizontally projected buffer
 6 zone around the enlarged water line and struc-
 7 tures and an 80-acre parcel of Federal land
 8 south of Seaman Reservoir potentially required
 9 for a downstream damsite on the North Fork of
 10 the Cache la Poudre River, as generally de-
 11 picted on the maps described in subsection (b).

12 **SEC. 2. PROCESSING OF AND TERMS AND CONDITIONS RE-**
 13 **LATING TO LAND EXCHANGE.**

14 (a) PROCESSING.—The land exchange under section
 15 1 shall be processed in accordance with Forest Service
 16 Land Exchange Regulations in subpart A of part 254 of
 17 title 36, Code of Federal Regulations, subject to section
 18 1 and the terms and conditions stated in subsection (b).

19 (b) TERMS AND CONDITIONS.—

20 (1) EASEMENTS.—The United States shall—

21 (A) grant perpetual access easements to
 22 the city of Greeley, Colorado, and to The Water
 23 Supply and Storage Company to the land con-
 24 veyed by the United States under section 1; and

1 (B) reserve easements for all designated
2 roads and trails crossing any Federal land to be
3 conveyed that are necessary to ensure public ac-
4 cess to adjoining national forest land.

5 (2) ACCESSIBILITY.—The city of Greeley, Colo-
6 rado, and The Water Supply and Storage Company
7 shall continue to make accessible to visitors to the
8 Roosevelt National Forest, under rules and restric-
9 tions determined by the city and the company,
10 Chambers Reservoir, Long Draw Reservoir, Peterson
11 Reservoir, Barnes Meadow Reservoir, Comanche
12 Reservoir, Seaman Reservoir, and Twin Lakes Res-
13 ervoir.

14 (3) SPECIAL USE PERMITS AND EASEMENTS.—
15 All special use permits and easements and other in-
16 struments authorizing occupancy of the Federal land
17 described in section 1(c) are rescinded on completion
18 of the exchange.

19 (4) INSTREAM FLOW REQUIREMENTS.—

20 (A) JOINT OPERATIONS PLAN.—The condi-
21 tions specified in the easements granted on De-
22 cember 28, 1994, and January 4, 1995, for
23 Long Draw Reservoir, Peterson Lake Reservoir,
24 and Barnes Meadow Reservoir requiring a joint
25 operations plan providing instream winter flows

1 to the mainstream of the Cache la Poudre River
2 from Chambers Lake and Barnes Meadow Res-
3 ervoir shall continue to be fulfilled regardless of
4 land ownership unless the grantor and grantee
5 of an easement agree otherwise.

6 (B) ROCKWELL RANCH PROPERTY.—

7 (i) IN GENERAL.—On completion of
8 the land exchange, the city of Greeley's $\frac{1}{2}$
9 interest in the rights associated with the
10 Rockwell Ranch property described in
11 clause (ii) shall be dedicated to the Colo-
12 rado Water Conservation Board in per-
13 petuity for the instream flow program of
14 the State of Colorado.

15 (ii) RIGHTS.—The rights described in
16 this subparagraph are the rights in Rock-
17 well Ditches No. 1 in the volume of 1.2
18 c.f.s., No. 2 in the volume of 1.7 c.f.s., No.
19 3 in the volume of 2.68 c.f.s., No. 4 in the
20 volume of 1.87 c.f.s., No. 5 in the volume
21 of 1.95 c.f.s. and No. 6 in the volume of
22 2.5 c.f.s., diverting from the South Fork of
23 the Cache la Poudre River, and its tribu-
24 taries, Little Beaver Creek, and the North

1 Fork of Little Beaver Creek, all with the
2 appropriation date of December 31, 1888.

3 (C) NO ADDITIONAL CONDITIONS, CON-
4 SULTATIONS, OR MITIGATION.—No conditions,
5 consultations, or mitigation (including instream
6 or bypass flow requirements) in addition to
7 those described in this Act shall be required as
8 a condition of the land exchange.

9 (5) WATER RIGHTS.—Except as provided in
10 paragraph (4)(B), the land exchange does not in-
11 clude any water right owned by the city of Greeley,
12 Colorado, or The Water Supply and Storage Com-
13 pany.

14 (6) CONVEYANCE OF FEDERAL LAND.—

15 (A) IN GENERAL.—The Federal land to be
16 exchanged shall be conveyed to the city of Gree-
17 ley, Colorado, and to The Water Supply and
18 Storage Company by means of a land exchange
19 deed issued by an authorized officer of the For-
20 est Service.

21 (B) SURVEYS.—Notwithstanding any other
22 provision of law, the Secretary of Agriculture
23 may conduct and approve all cadastral surveys
24 that are necessary for completion of the ex-
25 change.

1 (7) EQUAL VALUE.—The values of the lands ex-
2 changed between the United States and the city of
3 Greeley, Colorado, and The Water Supply and Stor-
4 age Company are deemed to be of approximately
5 equal value, without need for a cash equalization
6 payment.

7 (8) NEW HOLDINGS.—

8 (A) IN GENERAL.—It is recognized that
9 the conveyance of certain portions of Federal
10 land to the city of Greeley, Colorado, and The
11 Water Supply and Storage Company will create
12 new holdings in otherwise consolidated areas of
13 Federal ownership.

14 (B) NOTIFICATION.—If the city of Greeley,
15 Colorado, or The Water Supply and Storage
16 Company decides to permanently discontinue
17 reservoir operations on any of the properties ac-
18 quired through the exchange, the Forest Super-
19 visor of the Arapaho National Forest and Roo-
20 sevelt National Forest shall be advised of the
21 intent to perform nonreconstructive breaching
22 of the dam for purposes of permanently termi-
23 nating reservoir operations.

24 (C) OPPORTUNITY TO REACQUIRE.—On
25 notification under subparagraph (B), the Forest

1 Service shall be afforded the opportunity, for a
2 period not to exceed 1 year, to reacquire prop-
3 erty at fair market value or exchange or on
4 such other terms and conditions as may be
5 agreed to by the parties concerned.

6 (9) DEVELOPMENT.—

7 (A) FINDING.—Congress finds that the
8 Federal land to be exchanged, with the excep-
9 tion of the Seaman Reservoir enlargement area
10 and potential new damsite below Seaman Res-
11 ervoir on the North Fork of the Cache la
12 Poudre River, are fully developed and author-
13 ized for occupancy by the city of Greeley, Colo-
14 rado, and The Water Supply and Storage Com-
15 pany.

16 (B) NO FURTHER INVENTORY OR CON-
17 SULTATION.—The land exchange may be com-
18 pleted without further inventory or consultation
19 under the National Historic Preservation Act
20 (16 U.S.C. 470 et seq.).

21 (C) ENLARGEMENT.—If the city of Gree-
22 ley, Colorado, seeks enlargement of Seaman
23 Reservoir or construction of a new dam on the
24 North Fork of the Poudre River below Seaman
25 Reservoir for a Seaman Reservoir Enlargement,

1 the site shall be subject to all Federal laws (in-
2 cluding regulations) applicable at the time of
3 proposed construction.

4 (10) EASEMENT FOR USE OF CABIN.—

5 (A) IN GENERAL.—The Chief of the Forest
6 Service shall grant a 20-year easement to the
7 city of Greeley, Colorado, for use of the cabin,
8 in existence on the date of enactment of this
9 Act, in the north half of the southwest quarter
10 of Section 30, Township 8 North, Range 72
11 West.

12 (B) ALLOWED USES.—The easement shall
13 allow the use of the cabin and other improve-
14 ments and access to the forest land nearby.

15 (C) ACCESS ROAD.—The access road shall
16 be available for city employees to have access to
17 the cabin for recreational purposes and to the
18 Forest Service for administrative purposes.

19 (11) EASEMENT FOR USE OF LAND.—

20 (A) IN GENERAL.—The Chief of the Forest
21 Service shall grant a 20-year easement to the
22 city of Greeley, Colorado, for use of approxi-
23 mately 1 acre of land under the cabin, in exist-
24 ence on the date of enactment of this Act, in

1 the vicinity of Jacks Gulch Campground on
2 Pingree Road.

3 (B) ALLOWED USES.—The easement shall
4 include the administrative use of the access
5 road to the cabin and the reservation of the use
6 of the cabin to persons permitted under the
7 special use permit in effect on the date of en-
8 actment of this Act.

9 **SEC. 3. ADMINISTRATION OF LAND ACQUIRED BY THE**
10 **UNITED STATES.**

11 (a) IN GENERAL.—The land acquired by the United
12 States under section 1 shall be added to and administered
13 as part of the Roosevelt National Forest.

14 (b) WILDERNESS.—The portions of the land located
15 within a wilderness area shall be added to and adminis-
16 tered as part of the wilderness area.

17 **SEC. 4. BOUNDARY MODIFICATION OF THE ARAPAHO NA-**
18 **TIONAL FOREST AND ROOSEVELT NATIONAL**
19 **FOREST.**

20 (a) MODIFICATION.—

21 (1) IN GENERAL.—In order to provide for more
22 efficient administration of certain Federal lands ad-
23 joining the Arapaho National Forest and Roosevelt
24 National Forest—

1 (A) the exterior boundary of the Arapaho
2 National Forest is modified as shown on the
3 map entitled “Boundary Modification, Arapaho
4 National Forest”; and

5 (B) the exterior boundary of the Roosevelt
6 National Forest is modified as shown on the
7 map entitled “Boundary Modification, Roosevelt
8 National Forest”.

9 (2) PUBLIC AVAILABILITY.—The maps de-
10 scribed in paragraph (1) and a legal description of
11 the boundary changes shall be on file and available
12 for public inspection in the office of the Chief of the
13 Forest Service and appropriate field offices of the
14 Forest Service.

15 (b) ADMINISTRATION.—All Federal land brought
16 within the boundary of the Arapaho National Forest and
17 the Roosevelt National Forest by this Act as a result of
18 the land exchange under section 1 shall be added to the
19 Arapaho National Forest and the Roosevelt National For-
20 est, respectively, and administered in accordance with the
21 laws (including regulations) and other rules applicable to
22 the National Forest System.

23 (c) AVAILABILITY OF CERTAIN LANDS.—For the
24 purpose of section 7 of the Land and Water Conservation
25 Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of

1 each of the Arapaho National Forest and the Roosevelt
2 National Forest, as modified by this section, shall be treat-
3 ed as if it were the boundary of each forest, respectively,
4 as of January 1, 1965.

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