

105TH CONGRESS
1ST SESSION

S. 541

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 SENATE OF THE UNITED STATES

APRIL 9, 1997

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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,*

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

6 (a) IN GENERAL.—If the city of Greeley, Colorado,
7 and The Water Supply and Storage Company, a Colorado
8 mutual ditch company, offer to transfer all their right,

1 title, and interest in and to lands described in subsection
 2 (b), the Secretary of Agriculture shall, not later than 1
 3 year after the date of the city's and company's offer, in
 4 exchange for the property, transfer to the city and to the
 5 company, as the city and the company, respectively, shall
 6 designate, all right, title, and interest of the United States
 7 in and to the Federal land described in subsection (c).

8 (b) CITY AND COMPANY LANDS.—

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

15 (2) ACREAGE.—

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

19 (B) TIMBERLINE LAKE PROPERTY.—The
 20 Timberline Lake Property is a parcel of ap-
 21 proximately 10 acres located in the Comanche
 22 Peak Wilderness.

23 (C) CAMERON PASS LANDS.—The Cameron
 24 Pass Lands consist of 2 parcels totaling ap-

1 proximately 178 acres owned by The Water
2 Supply and Storage Company.

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

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

13 (c) FEDERAL LANDS.—

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

18 (2) ACREAGE.—The total area of Federal land
19 to be exchanged is approximately 1,176 acres, in-
20 cluding approximately 447 acres occupied by the city
21 and the company under perpetual easements of the
22 United States Department of the Interior, Nos. D-
23 028135 and D-029149.

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

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

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

22 (C) The Federal land that would be occu-
23 pied by an enlargement of Seaman Reservoir to
24 an approximate capacity of 43,000 acre feet
25 (but not to exceed 50,000 acre feet), including

an average 50-foot horizontally projected buffer zone around the enlarged water line and structures and an 80-acre parcel of Federal land south of Seaman Reservoir potentially required for a downstream damsite on the North Fork of the Cache la Poudre River, as generally depicted on the maps described in subsection (b).

SEC. 2. PROCESSING OF AND TERMS AND CONDITIONS RELATING TO LAND EXCHANGE.

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

(b) TERMS AND CONDITIONS.—

(1) EASEMENTS.—The United States shall—

(A) grant perpetual access easements to the city of Greeley, Colorado, and to The Water Supply and Storage Company to the land conveyed by the United States under section 1; and

(B) reserve easements for all designated roads and trails crossing any Federal land to be conveyed that are necessary to ensure public access to adjoining national forest land.

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

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

15 (4) INSTREAM FLOW REQUIREMENTS.—

16 (A) JOINT OPERATIONS PLAN.—The condi-
 17 tions specified in the easements granted on De-
 18 cember 28, 1994, and January 4, 1995, for
 19 Long Draw Reservoir, Peterson Lake Reservoir,
 20 and Barnes Meadow Reservoir requiring a joint
 21 operations plan providing instream winter flows
 22 to the mainstream of the Cache la Poudre River
 23 from Chambers Lake and Barnes Meadow Res-
 24 ervoir shall continue to be fulfilled regardless of

land ownership unless the grantor and grantee of an easement agree otherwise.

(B) ROCKWELL RANCH PROPERTY.—

(i) IN GENERAL.—On completion of the land exchange, the city of Greeley's $\frac{1}{2}$ interest in the rights associated with the Rockwell Ranch property described in clause (ii) shall be dedicated to the Colorado Water Conservation Board in perpetuity for the instream flow program of the State of Colorado.

(ii) RIGHTS.—The rights described in this subparagraph are the rights in Rockwell Ditches No. 1 in the volume of 1.2 c.f.s., No. 2 in the volume of 1.7 c.f.s., No. 3 in the volume of 2.68 c.f.s., No. 4 in the volume of 1.87 c.f.s., No. 5 in the volume of 1.95 c.f.s. and No. 6 in the volume of 2.5 c.f.s., diverting from the South Fork of the Cache la Poudre River, and its tributaries, Little Beaver Creek, and the North Fork of Little Beaver Creek, all with the appropriation date of December 31, 1888.

(C) NO ADDITIONAL CONDITIONS, CONSULTATIONS, OR MITIGATION.—No conditions,

1 consultations, or mitigation (including instream
2 or bypass flow requirements) in addition to
3 those described in this Act shall be required as
4 a condition of the land exchange.

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

10 (6) CONVEYANCE OF FEDERAL LAND.—

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

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

22 (7) EQUAL VALUE.—The values of the lands ex-
23 changed between the United States and the city of
24 Greeley, Colorado, and The Water Supply and Stor-
25 age Company are deemed to be of approximately

1 equal value, without need for a cash equalization
2 payment.

3 (8) NEW HOLDINGS.—

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

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

20 (C) OPPORTUNITY TO REACQUIRE.—On
21 notification under subparagraph (B), the Forest
22 Service shall be afforded the opportunity, for a
23 period not to exceed 1 year, to reacquire prop-
24 erty at fair market value or exchange or on

1 such other terms and conditions as may be
2 agreed to by the parties concerned.

3 (9) DEVELOPMENT.—

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

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

18 (C) ENLARGEMENT.—If the city of Gree-
19 ley, Colorado, seeks enlargement of Seaman
20 Reservoir or construction of a new dam on the
21 North Fork of the Poudre River below Seaman
22 Reservoir for a Seaman Reservoir Enlargement,
23 the site shall be subject to all Federal laws (in-
24 cluding regulations) applicable at the time of
25 proposed construction.

1 (10) EASEMENT FOR USE OF CABIN.—

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

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

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

16 (11) EASEMENT FOR USE OF LAND.—

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

24 (B) ALLOWED USES.—The easement shall
25 include the administrative use of the access

1 road to the cabin and the reservation of the use
2 of the cabin to persons permitted under the
3 special use permit in effect on the date of en-
4 actment of this Act.

5 **SEC. 3. ADMINISTRATION OF LAND ACQUIRED BY THE**
6 **UNITED STATES.**

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

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

13 **SEC. 4. BOUNDARY MODIFICATION OF THE ARAPAHO NA-**
14 **TIONAL FOREST AND ROOSEVELT NATIONAL**
15 **FOREST.**

16 (a) MODIFICATION.—

17 (1) IN GENERAL.—In order to provide for more
18 efficient administration of certain Federal lands ad-
19 joining the Arapaho National Forest and Roosevelt
20 National Forest—

21 (A) the exterior boundary of the Arapaho
22 National Forest is modified as shown on the
23 map entitled “Boundary Modification, Arapaho
24 National Forest”; and

1 (B) the exterior boundary of the Roosevelt
2 National Forest is modified as shown on the
3 map entitled “Boundary Modification, Roosevelt
4 National Forest”.

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

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

19 (c) AVAILABILITY OF CERTAIN LANDS.—For the
20 purpose of section 7 of the Land and Water Conservation
21 Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of
22 each of the Arapaho National Forest and the Roosevelt
23 National Forest, as modified by this section, shall be treat-

- 1 ed as if it were the boundary of each forest, respectively,
- 2 as of January 1, 1965.

