

111TH CONGRESS
2D SESSION

S. 3537

To provide for certain land exchanges in Gunnison County, Colorado, and
Uintah County, Utah.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2010

Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNET, and Mr.
HATCH) introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To provide for certain land exchanges in Gunnison County,
Colorado, and Uintah County, Utah.

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. SHORT TITLE.**

4 This Act may be cited as the “Central Rockies Land
5 Exchange and National Park System Enhancement Act
6 of 2010”.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

1 (1) to authorize, direct, expedite, and facilitate
2 two land exchanges in central Colorado and eastern
3 Utah;

4 (2) to enhance the National Park System by
5 National Park Service acquisition of important lands
6 in Colorado and Utah;

7 (3) to protect the open space and natural values
8 of certain lands conveyed out of Federal ownership
9 through a permanent conservation easement; and

10 (4) to provide for improved public access to cer-
11 tain lands in Gunnison County, Colorado.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) BEAR RANCH.—The term “Bear Ranch”
15 means the Bear Ranch, LLC, a Colorado Limited
16 Liability Corporation.

17 (2) DARIEN RANCH.—The term “Darien
18 Ranch” means the ranch operated by Larry and
19 Dana Darien of 2880 County Road 3, Marble, Colo-
20 rado.

21 (3) FEDERAL LAND.—The term “Federal land”
22 means the land or right-of-way to be conveyed by
23 the United States in the land exchanges under this
24 Act.

1 (4) NON-FEDERAL LAND.—The term “non-Fed-
 2 eral land” means land to be conveyed to the United
 3 States in the land exchanges under this Act.

4 (5) SECRETARY CONCERNED.—The term “Sec-
 5 retary concerned” means the Secretary of the Inte-
 6 rior or Secretary of Agriculture, as appropriate.

7 **SEC. 4. BEAR RANCH AND DEPARTMENT OF THE INTERIOR**
 8 **LAND EXCHANGE, GUNNISON COUNTY, COLO-**
 9 **RADO, AND UINTAH COUNTY, UTAH.**

10 (a) LAND EXCHANGE REQUIRED.—If the Bear
 11 Ranch offers to convey to the Secretary of the Interior
 12 all right, title, and interest of the Bear Ranch in and to
 13 the non-Federal parcels identified in subsection (b) for in-
 14 clusion in the National Park System—

15 (1) the Secretary of the Interior shall accept
 16 the offer; and

17 (2) the Secretary of the Interior and Agri-
 18 culture shall simultaneously convey to the Bear
 19 Ranch all right, title, and interest of the United
 20 States in and to approximately 1,846 acres of Fed-
 21 eral land under the jurisdiction of the Bureau of
 22 Land Management or the United States Forest
 23 Service, as applicable, comprising separate land par-
 24 cels, as generally depicted and numbered on a map
 25 entitled “Central Rockies Land Exchange—Federal

1 Parcels 1–6—Bear Ranch” and dated February
2 2010.

3 (b) NON-FEDERAL LAND DESCRIBED.—The non-
4 Federal land to be conveyed under this section consists
5 of—

6 (1) approximately 911 acres of land within the
7 Curecanti National Recreation Area in Gunnison
8 County, Colorado, and generally depicted on the map
9 entitled “Central Rockies Land Exchange—Non-
10 Federal parcel—Sapinero Mesa” and dated Feb-
11 ruary 2010; and

12 (2) approximately 80 acres of land within Dino-
13 saur National Monument in Uintah County, Utah,
14 and generally depicted on a map entitled “Central
15 Rockies Land Exchange—Non-Federal parcel—Or-
16 chid Draw” and dated February 2010.

17 (c) LAND TITLE.—Title to the non-Federal land con-
18 veyed to the Secretary of the Interior under this section
19 shall be acceptable to the Secretary and shall conform to
20 the title approval standards of the Attorney General of
21 the United States applicable to land acquisitions by the
22 Federal Government.

1 **SEC. 5. DARIEN RANCH AND FOREST SERVICE LAND EX-**
2 **CHANGE, GUNNISON COUNTY, COLORADO.**

3 (a) LAND EXCHANGE REQUIRED.—If the Darien
4 Ranch offers to convey all right, title, and interest of the
5 Darien Ranch in and to the approximately 0.42 acres of
6 non-Federal land in Gunnison County, Colorado, as gen-
7 erally depicted on the map entitled “Central Rockies Land
8 Exchange—Non-Federal parcel—Lily Lake Trailhead”
9 and dated February 2010, the Secretary of Agriculture
10 shall—

11 (1) accept the offer; and

12 (2) upon receipt of the non-Federal land, simul-
13 taneously convey to the Darien Ranch a permanent
14 right-of-way no more than 200 feet in width for a
15 water intake on Rapid Creek and water pipeline
16 (and access to such water intake and pipeline) gen-
17 erally running along an existing irrigation ditch
18 from Rapid Creek to private land on the route gen-
19 erally depicted on a map entitled “Central Rockies
20 Land Exchange—Darien Ranch Right-of-Way” and
21 dated February 2010.

22 (b) LAND TITLE.—Title to the non-Federal land con-
23 veyed to the Secretary of Agriculture under this section
24 shall be acceptable to the Secretary and shall conform to
25 the title approval standards of the Attorney General of

1 the United States applicable to land acquisitions by the
2 Federal Government.

3 **SEC. 6. EQUAL VALUE EXCHANGE AND APPRAISALS.**

4 (a) **EQUAL VALUE EXCHANGE.**—

5 (1) **IN GENERAL.**—The values of the Federal
6 and non-Federal land in each separate land ex-
7 change under this Act shall be equal. If the values
8 are not equal in one or both of the land exchanges,
9 the values of the Federal and non-Federal land at
10 issue shall be equalized in the manner provided by
11 this subsection.

12 (2) **SURPLUS OF FEDERAL LAND VALUE.**—If
13 the final appraised value of the Federal land in a
14 land exchange under this Act exceeds the final ap-
15 praised value of the non-Federal land in that ex-
16 change, the non-Federal party in that exchange shall
17 make a cash equalization payment to the Secretary
18 concerned as necessary to achieve equal value, in-
19 cluding, if necessary, an amount in excess of that
20 authorized pursuant to section 206(b) of the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1716(b)).

23 (3) **SURPLUS OF NON-FEDERAL LAND VALUE.**—
24 If the final appraised value of the non-Federal land
25 in a land exchange under this Act exceeds the final

1 appraised value of the Federal land in that ex-
2 change—

3 (A) the United States shall not make a
4 cash equalization payment to the non-Federal
5 party in that exchange; and

6 (B) the surplus value of the non-Federal
7 land shall be considered a donation by the non-
8 Federal party in that exchange to the United
9 States.

10 (b) USE OF CASH EQUALIZATION PAYMENT.—

11 (1) DEPARTMENT OF THE INTERIOR.—Any
12 cash equalization payment received by the Secretary
13 of the Interior under subsection (a) shall be depos-
14 ited in the Federal Land Disposal Account estab-
15 lished pursuant to the Federal Land Transaction
16 Facilitation Act (43 U.S.C. 2301 et seq.) and shall
17 be available for use by the Bureau of Land Manage-
18 ment, without further appropriation, for the acquisi-
19 tion of lands or interests in land from willing sellers
20 in Gunnison County, Colorado, or lands within the
21 area managed by the Uncompahgre Field Office of
22 the Bureau of Land Management.

23 (2) FOREST SERVICE.—Any cash equalization
24 payment received by the Secretary of Agriculture
25 under subsection (a) shall be deposited in the fund

1 established by Public Law 90–171 (commonly known
2 as the Sisk Act; 16 U.S.C. 484a).

3 (c) APPRAISALS.—

4 (1) PERFORMANCE STANDARDS.—The values of
5 the lands to be exchanged shall be determined by the
6 Secretary concerned through concurrent appraisals
7 performed in accordance with—

8 (A) the Uniform Appraisal Standards for
9 Federal Land Acquisitions;

10 (B) the Uniform Standards of Professional
11 Appraisal Practice (USPAP); and

12 (C) appraisal instructions issued by the
13 Secretary concerned.

14 (2) APPRAISER SELECTION.—The appraisals
15 shall be performed by an appraiser mutually agreed
16 to by the Secretary concerned and the Bear Ranch
17 or Darien Ranch, as applicable.

18 (3) AVAILABILITY TO PUBLIC.—After reviewing
19 and approving the appraisals, but before consum-
20 mating an exchange, the Secretary concerned shall
21 make a summary of the appraisals available for pub-
22 lic review.

23 (4) APPRAISAL EXCLUSION.—The appraisal of
24 the Federal land parcels under this Act shall not re-
25 flect any diminution in value due to the conservation

1 easement requirements of section 7(a), which con-
2 servation easement shall be considered a donation
3 for all purposes of law.

4 (5) APPRAISAL OF PARCEL.—If the Secretary
5 of the Interior and Secretary of Agriculture deter-
6 mine it appropriate, the Secretary of the Interior
7 may determine the value of Federal Parcel 6—Bear
8 Ranch, as identified on the map referenced in sub-
9 section 4(a).

10 **SEC. 7. MISCELLANEOUS PROVISIONS.**

11 (a) CONSERVATION EASEMENTS.—As a condition of
12 the land exchange under section 4, and before consum-
13 mating the exchange, the Bear Ranch shall deliver to the
14 Secretary an executed document granting a permanent
15 conservation easement on Federal Parcels 1–5, Bear
16 Ranch, as identified on the map referenced in section 4(a)
17 to a qualified unit of government or organization as speci-
18 fied in section 170(h) of the Internal Revenue Code of
19 1986. The conservation easement shall limit future use of
20 the Federal land parcels to agricultural, recreational, open
21 space, and wildlife conservation purposes.

22 (b) WITHDRAWAL PROVISIONS.—

23 (1) WITHDRAWAL.—Without further action by
24 the Secretary concerned, lands acquired by the
25 United States under this Act shall be permanently

1 withdrawn from all forms of appropriation and dis-
2 posal under the public land laws (including the min-
3 ing and mineral leasing laws) and the Geothermal
4 Steam Act of 1930 (30 U.S.C. 1001 et seq.).

5 (2) WITHDRAWAL REVOCATION.—Any public
6 land order that withdraws the Federal lands from
7 appropriation or disposal under a public land law
8 shall be revoked to the extent necessary to permit
9 disposal of the Federal land parcels in the exchanges
10 under this Act.

11 (3) WITHDRAWAL OF FEDERAL LAND.—All
12 Federal land to be exchanged under this Act, if not
13 already withdrawn or segregated from appropriation
14 or disposal under the public land laws upon enact-
15 ment of this Act, is hereby so withdrawn, subject to
16 valid existing rights, until—

17 (A) the date of conveyance of the Federal
18 land to the Bear Ranch or Darien Ranch, as
19 applicable; or

20 (B) such time as the Secretary concerned
21 and the non-Federal party may determine not
22 to proceed with the exchange concerned.

23 (c) POSTEXCHANGE LAND MANAGEMENT.—

24 (1) DEPARTMENT OF THE INTERIOR.—Land
25 acquired by the Secretary of the Interior under sec-

tion 4 shall become part of the Curecanti National Recreation Area or Dinosaur National Monument, as applicable, and shall be managed by the National Park Service in accordance with the laws, rules, and regulations applicable to the unit.

(2) FOREST SERVICE.—Land acquired by the Secretary of Agriculture under section 5 shall become part of the unit of the National Forest System within which the land is located and shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the unit of the National Forest System in which the land is located shall be deemed to be the boundaries of that unit as of January 1, 1965.

(d) BEAR RANCH AREA ACCESS.—

(1) TRAVEL MANAGEMENT PLAN.—Not later than 3 years after consummating the land exchange under section 4, the Secretary concerned shall prepare and implement a travel management plan in consultation with Gunnison County, Colorado, for the design, construction, improvement, replacement, or other siting of roads, trails, and trailheads in the

1 area shown as the “Planning Area” on the map enti-
2 tled “Central Rockies Land Exchange—Anthracite-
3 Spring Creek Travel Planning Area” and dated Feb-
4 ruary 2010. Such plan—

5 (A) may incorporate any travel manage-
6 ment plans, or applicable provisions thereof,
7 that cover the Travel Planning Area and may
8 have already been completed by the Secretary
9 concerned;

10 (B) may, at the discretion of the Secretary
11 concerned, update any existing plans to provide
12 for any enhanced public access, roads, trails,
13 and trailheads as may be enabled by the fund-
14 ing under paragraph (3); and

15 (C) shall determine, in consultation with
16 Gunnison County, whether the reservation of
17 paragraph (2)(B) should be terminated because
18 adequate or preferable replacement access is to
19 be provided under this paragraph.

20 (2) INTERIM ACCESS.—The conveyance of Fed-
21 eral parcel 1 to the Bear Ranch pursuant to section
22 4 shall be subject to—

23 (A) the existing right-of-way for Gunnison
24 County Road 2 as shown on the map depicted
25 in paragraph (1); and

1 (B) a reservation of nonmotorized public
2 access from County Road 2 to the Deep Creek
3 area as shown on the map referenced in para-
4 graph (1).

5 (3) ACCESS FUNDING.—

6 (A) IN GENERAL.—Before the consumma-
7 tion of the land exchange under section 4, the
8 Bear Ranch shall deposit with the Secretary of
9 the Interior the sum of \$50,000, which may be
10 used by the Secretary of the Interior and the
11 Secretary of Agriculture, as they jointly deter-
12 mine appropriate, without further appropria-
13 tion, for road, trail, and trailhead work and
14 purposes specified in paragraph (1).

15 (B) EFFECT OF PLAN.—If the plan under
16 paragraph (1) determines that the paragraph
17 (2)(B) reservation should be terminated, the
18 Bear Ranch shall pay to the Secretary of the
19 Interior an additional sum of \$200,000, which
20 may be utilized by the Secretary of the Interior
21 and the Secretary of Agriculture, as they jointly
22 determine appropriate, without further appro-
23 priation, for paragraph (1) road, trail, and
24 trailhead work and purposes. Upon completion

1 of such work, the paragraph (2)(B) reservation
2 shall be terminated.

3 (e) EXCHANGE TIMETABLE.—It is the intent of Con-
4 gress that the land exchanges directed by this Act be con-
5 summated not later than 1 year after the date of the en-
6 actment of this Act.

7 (f) MAPS, ESTIMATES, AND DESCRIPTIONS.—

8 (1) MINOR ERRORS.—The Secretary concerned
9 and the Bear Ranch or Darien Ranch may by mu-
10 tual agreement make minor boundary adjustments
11 to any land parcel or the right-of-way involved in the
12 exchange concerned, and may correct any minor er-
13 rors in any map, acreage estimate, or description of
14 any land or right-of-way to be exchanged.

15 (2) CONFLICT.—If there is a conflict between a
16 map, an acreage estimate, or a description of any
17 land or right-of-way under this Act, the map shall
18 control unless the Secretary concerned and the Bear
19 Ranch or Darien Ranch mutually agree otherwise.

20 (3) AVAILABILITY.—The Secretary concerned
21 shall file and make available for public inspection in
22 the appropriate field offices of the Bureau of Land
23 Management, the Curecanti National Recreation
24 Area, Dinosaur National Monument, and White

- 1 River and Gunnison National Forests a copy of the
- 2 pertinent maps referred to in this Act.

