

instream flows and operation of the natural hydrograph of the North Fork of the Virgin River through the park. Exchange of these lands is an essential component in the resolution of the parks water flow agreement with the State of Utah. The exchange will also allow the Department of the Interior to acquire critical habitat for the desert tortoise, a threatened species.

The Bulloch Reservoir site lies above Zion National Park and its acquisition has been a goal of the National Park Service for many years. Locating an alternative water storage site in Sand Hollow is a good-faith effort by the water district to accommodate this concern.

This noncontroversial bill was favorably reported by the Committee on Resources by voice vote. I commend the chairman of the subcommittee for his excellent work on this measure and urge the Members of the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this land exchange will allow the Department of the Interior to acquire needed land for the Bulloch Water Storage Reservoir Site as well as lands adjacent to the Zion National Park in exchange for lands needed by the Washington County Water Conservancy District for water storage. The exchange will also provide the Department of the Interior with critical habitat lands for the desert tortoise.

The administration supports this land exchange, and I encourage my colleagues to support it.

Mr. Speaker, I urge support of this bill and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1838.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXCHANGE OF CERTAIN LANDS IN GILPIN COUNTY, CO

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2437), to provide for the exchange of certain lands in Gilpin County, CO, as amended.

The Clerk read as follows:

H.R. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

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

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher values for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

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

SEC. 2. LAND EXCHANGE.

(a) IN GENERAL.—The exchange directed by this Act shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 4 of this Act) offers to transfer to the United States pursuant to the provisions of this Act the offered lands or interests in land described herein.

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

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled "Circle C Church Camp", dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

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

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled "Bonham Ranch-Cucharas Canyon", dated June 1995: Provided, however, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: Provided further, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in

accordance with the provisions of section 203 of the Federal Land Policy and Management Act of 1976 and other applicable law.

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

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

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118–220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County, Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302–304, 306 and 308–326 on a map entitled "Lake Gulch Selected Lands", dated July 1994: Provided, however, That a parcel or parcels of land in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to the small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Act to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be properly identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

(3) Prior to transferring out of public ownership pursuant to this Act or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black

Hawk, Colorado in the County of Gilpin, Colorado, the Secretary shall notify and consult with the County and City and afford such units of local government an opportunity to acquire or reserve pursuant to the Federal Land Policy and Management Act of 1976 or other applicable law, such easements or rights-of-way parallel to North Clear Creek as may be necessary to serve public utility line or recreation path needs: Provided, however, That any survey or other costs associated with the acquisition or reservation of such easements or rights-of-way shall be paid for by the unit or units of local government concerned.

SEC. 3. TERMS AND CONDITIONS OF EXCHANGE.

(a) EQUALIZATION OF VALUES.—(1) The values of the lands to be exchanged pursuant to this Act shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(2) In the event any cash equalization or land sale moneys are received by the United States pursuant to this Act, any such moneys shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from willing sellers land or water rights, or a combination thereof, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management's Blanca Wetlands, Alamosa County, Colorado.

(3) Any water rights acquired by the United States pursuant to this section shall be obtained by the Secretary of the Interior in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of said water rights through the appropriate State legal proceedings and to comply with any terms, conditions, or other provisions contained in an applicable decree of the Colorado Water Court. The use of any water rights acquired pursuant to this section shall be limited to water that can be used or exchanged for water that can be used on the Blanca Wetlands. Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to prior approval of the Rio Grande Water Conservation District.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States against all costs arising from any activities, operations (including the storing, handling, and dumping of hazardous materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch: Provided, however, That nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands prior to or on the date of their transfer to Lake Gulch.

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

(3) The above terms and restrictions of this subsection shall not be considered in determin-

ing, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 3 of this Act.

(c) REVOCATION OF WITHDRAWAL.—The Public Water Reserve established by Executive order dated April 17, 1926 (Public Water Reserve 107), Serial Number Colorado 17321, is hereby revoked insofar as it affects the NW¼ SW¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Act.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) DEFINITIONS.—As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Lake Gulch" means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term "offered land" means lands to be conveyed to the United States pursuant to this Act.

(4) The term "selected land" means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Act.

(5) The term "Blanca Wetlands" means an area of land comprising approximately 9,290 acres, as generally depicted on a map entitled "Blanca Wetlands", dated August 1994, or such land as the Secretary may add thereto by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Act or such other moneys as Congress may appropriate.

(b) TIME REQUIREMENT FOR COMPLETING TRANSFER.—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized and directed by this Act shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such 6-month-time period, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 2(d)(1)(C) of this Act as long as the parcel or parcels applied for are not under formal application for transfer to a qualified unit of local government.

(c) ADMINISTRATION OF LANDS ACQUIRED BY UNITED STATES.—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Act shall upon acceptance of title by the United States and without further action by the Secretary concerned become part of and be managed as part of the administrative unit or area within which they are located.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

(Mr. COOLEY asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2437, sponsored by Mr. MCINNIS, which would authorize an equal-value exchange under which the United States would transfer about 300 acres of BLM-managed public lands near the city of Black Hawk, in Gilpin County, CO, to a named company, which would transfer to the U.S. specified lands, amounting to about 8,739 acres, elsewhere in Colorado.

The Gilpin County lands are 133 parcels, ranging from 38 acres to .01 acre; 90 are less than 1 acre. They were originally acquired by the United States from France in the Louisiana Purchase. From extensive gold discoveries, the area is criss-crossed with patented mining claims; the 133 parcels are intermingled fragments that are essentially unmanageable, and have been identified as suitable for disposal by the Bureau of Land Management. However, the U.S. cannot readily realize their fair-market value through normal BLM disposal procedures because of the high costs of surveys and other necessary administrative expenses. H.R. 2437 is intended to enable the U.S. to obtain the value by the acquisition of designated lands.

The lands that have been identified for the U.S. to receive would include about 40 acres within the Rocky Mountain National Park, nearly 4,000 acres in Conejos County, and about 4,700 acres—known as Bonham Ranch—intermingled with BLM-managed lands along Cucharas Canyon in Huerfano County, CO.

H.R. 2437 was reported favorably by the Committee on Resources by voice vote. I commend the sponsor of this bill on his hard work and urge the Members of the House to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS], the author of this bill, who developed this legislation, shepherded it, and it is in his congressional district. I wish to commend the gentleman from this good piece of legislation, which he has been working on for many years.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, Mr. Speaker, I want to express my thanks to the gentleman from New Mexico [Mr. RICHARDSON] for his help in moving this legislation, as well as the help of the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], and the gentleman from Oregon [Mr. COOLEY], in managing this bill today. I especially appreciate, as well, the assistance of my colleague, the gentleman from Colorado [Mr. MCINNIS], who is the sponsor of this legislation. I have been very glad to have the chance to work with him on this bill.

As the gentleman from Oregon [Mr. COOLEY] indicated, this is a pretty straightforward proposition, one that I think serves both the local and the national interest in a nice way. We are exchanging some 300 acres in 133 separate parcels near the town of Blackhawk, CO, in my congressional

district, for some 8,700 acres of now privately-owned land in other parts of the State of Colorado.

The current BLM-owned lands near Blackhawk are very fragmented and unmanageable, and really do not lend themselves at all to the normal sorts of appraisal and transfer processes that involve expensive surveys and all the rest. This bill enables both the Government and some interests that are proposing private development near Blackhawk to make a match that will be in everyone's long-term interest.

The three major tracts that will be acquired by the Federal Government in exchange for these properties involve a very important 40 acres within Rocky Mountain National Park known as the Circle C Church Camp, an area that the Park Service has been anxious to bring under Park Service management for a long time; about 4,000 acres along the La Jara Canyon in Conejos County, again, important for both management, wildlife, and recreational purposes; and some 4,700 acres in Huerfano County, again involving very important scenic, recreational, and wildlife habitat areas in a beautiful canyon there.

This is legislation that I think has no opponents and has all of the right proponents, including all of the interested parties in the State of Colorado, the local governments, and all the rest. Again, I thank all involved in this on the Committee on Resources for their assistance in moving it along, and I urge my colleagues to vote for it.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. HANSEN, and Ranking Member BILL RICHARDSON for bringing this bill to the floor today. I appreciate their good work, and I also greatly appreciate all that my colleague from Colorado, Mr. MCINNIS, has done in connection with this legislation that affects both our districts. I am very glad to have had the chance to work with him on this bill.

This is a straightforward and I believe a noncontroversial measure. It provides for a land exchange under which the public will receive more than 8,700 acres of Colorado lands that are important for recreational and environmental purposes, in exchange for about 300 acres near the town of Black Hawk, in Gilpin County, that are appropriate for development.

Under the exchange, the Gilpin County lands, located in my congressional district, would be transferred from Federal ownership to Lake Gulch, Inc., a private firm, in exchange for Lake Gulch's transfer to the United States of the other lands specified in the bill.

These Gilpin County lands comprise 133 separate parcels, ranging in size from 38 acres to one one-hundredth of an acre—in fact, 90 of them are less than an acre. These lands were originally acquired by the United States from France through the Louisiana Purchase. After the discovery of gold in Gilpin County, most of the immediately adjacent lands—also Federal public domain lands acquired in the same way—were claimed under the mining laws and thus passed into private ownership.

However, the 133 parcels covered by the bill are still in the public domain. For the most

part, they are left-over fragments, intermingled with private lands. They are essentially unmanageable, and have been identified as suitable for disposal by the Bureau of Land Management. That means that BLM has the legal authority to dispose of them for fair market value.

The problem, though, is that the fragmented nature of the lands, and the resulting very small size of many tracts, makes it very difficult for the Government to obtain that fair market value because of the high costs of surveys and other necessary administrative expenses.

This bill responds to that problem. It will enable the United States to realize the value of these Gilpin County lands by transferring them to the Lake Gulch corporation in exchange for other lands of equal value that have resources, including potential for recreational uses, which give them priority status for acquisition by Federal land-management agencies.

These lands that the United States will receive include: About 40 acres within Rocky Mountain National Park—known as the "Circle C Church Camp" tract—that has been a long-time acquisition priority for the National Park Service; nearly 4,000 acres in Conejos County—known as the Quinlan Ranches parcel, bordering on the scenic La Jara Canyon, that is intermingled with Federal lands managed by the BLM and the Forest Service and that has recreational values as well as elk winter range and other wildlife habitat; and about 4,700 acres—known as the Bonham Ranch, now intermingled with BLM-managed lands along Cucharas Canyon in Huerfano County, whose acquisition will enable BLM to protect more than 5 miles of the scenic canyon, with its important wildlife habitat—including raptor nesting areas, cultural resources, and recreational uses.

The bill also would authorize the Secretary of the Interior to agree to transfer certain additional adjacent Gilpin County lands in exchange for additional lands acceptable to the Secretary or payment of the fair market value of any such additional Gilpin County lands.

I want to stress that the bill authorizes only an equal-value exchange. If it's determined that the value of the Gilpin County lands is greater than the value of the lands transferred to the United States, Lake Gulch will be required to pay the difference. Any such payment would be used to acquire from willing sellers land or water rights in the BLM-managed Blanca wetlands near Alamosa, an area with crucial winter habitat for bald eagles and a very productive area for ducks and geese.

Mr. Speaker, this bill is good for economic development in Gilpin County and good for the environment and outdoor recreation in Colorado. The administration supports the bill, and it also has the support of Governor Romer, the Colorado Division of Wildlife, and affected local governments including Black Hawk, Central City, and Gilpin County, as well as local and national environmental and conservation organizations. I urge its passage by the House.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Gilpin County land parcels currently managed by the BLM consist of 133 parcels ranging in size from one-tenth acre to 38 acres. I think, as the gentleman from Colorado

[Mr. SKAGGS] mentioned, this bill is pretty straight forward. These are fragments scattered in an area crisscrossed with patent and mining claims, making their management extremely difficult.

What this legislation does, it would authorize an equal value land exchange, and my colleague, the gentleman from Colorado [Mr. SKAGGS], as I said, has worked for some time on this issue with the administration and the local parties affected. I commend the gentleman from Colorado [Mr. MCINNIS], too, for his efforts, and my colleagues on the majority side. This bill has wide support.

Mr. Speaker, I urge my colleagues to vote in favor of passage, and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

For the record, Mr. Speaker, I want to state that the gentleman from Colorado [Mr. MCINNIS] wanted to be here, but he could not make it here today. I would note that for the record. I also want to thank the gentlemen from Colorado, Mr. MCINNIS and Mr. SKAGGS, for their cooperative work on this issue. I think it is time we straightened up these small parcels and get some uniformity. I think this is a good piece of legislation, and I appreciate the statements made by the gentleman from New Mexico [Mr. RICHARDSON]. I think it is helpful in a bipartisan way to get some of this straightened out.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 2437, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1545

GENERAL LEAVE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the 7 measures just considered.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Oregon?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6 p.m.