

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 237.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### ARAPAHO AND ROOSEVELT NATIONAL FORESTS LAND EXCHANGE ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2766) to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado, as amended.

The Clerk read as follows:

H.R. 2766

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Arapaho and Roosevelt National Forests Land Exchange Act of 2003".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain National Forest System lands near Empire, Colorado, are needed by the city of Golden, Colorado, to facilitate the construction of a water pipeline to transport domestic water supplies into storage for the city and its residents.

(2) Such National Forest System lands, comprising approximately 9.84 acres in total, are of limited utility for public administration or recreation and other use by virtue of their largely steep terrain, irregular boundary, and lack of easy public access.

(3) The city of Golden owns, or has an option to purchase, several parcels of non-Federal land comprising a total of approximately 141 acres near Evergreen and Argentine Pass, Colorado, which it is willing to convey to the United States for addition to the Arapaho and Roosevelt National Forests.

(4) The non-Federal lands owned or optioned by the city of Golden, if conveyed to the United States, will eliminate inholdings in the National Forest System, result in administrative cost savings to the United States by reducing costs of forest boundary administration, and provide the United States with environmental and public recreational use benefits (including enhanced Federal land ownership along the Continental Divide National Scenic Trail) that greatly exceed the benefits of the Federal land the United States will convey in exchange.

(5) It is in the public interest to authorize, direct, expedite, and facilitate completion of a land exchange involving these Federal and non-Federal lands to assist the city of Golden in providing additional water to its residents and to acquire valuable non-Federal lands for permanent public use and enjoyment.

#### SEC. 3. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NATIONAL FORESTS, COLORADO.

(a) CONVEYANCE BY THE CITY OF GOLDEN.—

(1) LANDS DESCRIBED.—The land exchange directed by this section shall proceed if, within 30 days after the date of the enactment of this Act, the city of Golden, Colorado (in the section referred to as the "City"), offers to convey title acceptable to the United States to the following non-Federal lands:

(A) Certain lands located near the community of Evergreen in Park County, Colorado, comprising approximately 80 acres, as generally depicted on a map entitled "Non-Federal Lands—Cub Creek Parcel", dated June, 2003.

(B) Certain lands located near Argentine Pass in Clear Creek and Summit Counties, Colorado, comprising approximately 55.909 acres in 14 patented mining claims, as generally depicted on a map entitled "Argentine Pass/Continental Divide Trail Lands", dated September 2003.

(2) CONDITIONS OF CONVEYANCE.—The conveyance of lands under paragraph (1) to the United States shall be subject to the absolute right of the City to permanently enter upon, utilize, and occupy so much of the surface and subsurface of the lands as may be reasonably necessary to access, maintain, repair, modify, make improvements in, or otherwise utilize the Vidler Tunnel to the same extent that the City would have had such right if the lands had not been conveyed to the United States and remained in City ownership. The exercise of such right shall not require the City to secure any permit or other advance approval from the United States. Upon acquisition by the United States, such lands are hereby permanently withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws, and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) CONVEYANCE BY UNITED STATES.—Upon receipt of acceptable title to the non-Federal lands identified in subsection (a), the Secretary of Agriculture shall simultaneously convey to the City all right, title and interest of the United States in and to certain Federal lands, comprising approximately 9.84 acres, as generally depicted on a map entitled "Empire Federal Lands—Parcel 12", dated June 2003.

(c) EQUAL VALUE EXCHANGE.—

(1) APPRAISAL.—The values of the Federal lands identified in subsection (b) and the non-Federal lands identified in subsection (a)(1)(A) shall be determined by the Secretary through appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (December 20, 2000) and the Uniform Standards of Professional Appraisal Practice. Except as provided in paragraph (3), the conveyance of the non-Federal lands identified in subsection (a)(1)(B) shall be considered a donation for all purposes of law.

(2) SURPLUS OF NON-FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A) exceeds the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b), the values may be equalized—

(A) by reducing the acreage of the non-Federal lands identified in subsection (a) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;

(B) the making of a cash equalization payment to the City, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(C) a combination of acreage reduction and cash equalization.

(3) SURPLUS OF FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b) exceeds the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A), the Secretary shall prepare a statement of value for the non-Federal lands identified in subsection (a)(1)(B) and utilize such value to the extent necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b). If the Secretary declines to accept the non-Federal lands identified in subsection (a)(1)(B) for any reason, the City shall make a cash equalization payment to the Secretary as necessary to equalize the values of the non-Federal lands identified in

subsection (a)(1)(A) and the Federal land identified in subsection (b).

(d) EXCHANGE COSTS.—To expedite the land exchange under this section and save administrative costs to the United States, the City shall be required to pay for—

(1) any necessary land surveys; and

(2) the costs of the appraisals, which shall be performed in accordance with Forest Service policy on approval of the appraiser and the issuance of appraisal instructions.

(e) TIMING AND INTERIM AUTHORIZATION.—It is the intent of Congress that the land exchange directed by this Act should be completed no later than 120 days after the date of the enactment of this Act. Pending completion of the land exchange, the City is authorized, effective on the date of the enactment of this Act, to construct a water pipeline on or near the existing course of the Lindstrom ditch through the Federal land identified in subsection (b) without further action or authorization by the Secretary, except that, prior to initiating any such construction, the City shall execute and convey to the Secretary a legal document that permanently holds the United States harmless for any and all liability arising from the construction of such water pipeline and indemnifies the United States against all costs arising from the United States' ownership of the Federal land, and any actions, operations or other acts of the City or its licensees, employees, or agents in constructing such water pipeline or engaging in other acts on the Federal land prior to its transfer to the City. Such encumbrance on the Federal land prior to conveyance shall not be considered for purposes of the appraisal.

(f) ALTERNATIVE SALE AUTHORITY.—If the land exchange is not completed for any reason, the Secretary is hereby authorized and directed to sell the Federal land identified in subsection (b) to the City at its final appraised value, as approved by the Secretary. Any money received by the United States in such sale shall be considered money received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484(a); commonly known as the "Sisk Act", and may be used, without further appropriation, for the acquisition of lands for addition to the National Forest System in the State of Colorado.

(g) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LANDS.—Land acquired by the United States under the land exchange shall become part of the Arapaho and Roosevelt National Forests, and the exterior boundary of such forest is hereby modified, without further action by the Secretary, as necessary to incorporate the non-Federal lands identified in subsection (a) and an additional 40 acres as depicted on a map entitled "Arapaho and Roosevelt National Forest Boundary Adjustment—Cub Creek", dated June 2003. Upon their acquisition, lands or interests in land acquired under the authority of this Act shall be administered in accordance with the laws, rules and regulations generally 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 Arapaho and Roosevelt National Forests, as adjusted by this subsection shall be deemed to be the boundaries of such forest as of January 1, 1965.

(h) TECHNICAL CORRECTIONS.—The Secretary, with the agreement of the City, may make technical corrections or correct clerical errors in the maps referred to in this section or adjust the boundaries of the Federal lands to leave the United States with a manageable post-exchange or sale boundary. In the event of any discrepancy between a map, acreage estimate, or legal description, the map shall prevail unless the Secretary and the City agree otherwise.

(i) REVOCATION OF ORDERS AND WITHDRAWAL.—Any public orders withdrawing any of the Federal lands identified in subsection (b) from appropriation or disposal under the public land laws are hereby revoked to the extent necessary to permit disposal of the Federal lands.

*Upon the enactment of this Act, if not already withdrawn or segregated from the entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal lands are hereby withdrawn until the date of their conveyance to the City.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

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

Mr. Speaker, H.R. 2766, introduced by the gentleman from Colorado (Mr. BEAUPREZ), would direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

□ 1700

This exchange would facilitated the construction of a pipeline leading in a reservoir near Empire, Colorado, to the city of Golden, Colorado. In exchange, the Forest Service will benefit by acquiring nearly 80 acres of inholdings near Evergreen, Colorado, as well as receiving a donation of 61 acres of private land along the Continental Divide National Scenic Trail.

Mr. Speaker, I urge adoption of this bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, H.R. 2766 would authorize the Secretary of Agriculture to consummate a land exchange in Colorado. The values of the lands would be appraised in accordance with the Federal appraisal standards.

The city of Golden, Colorado would benefit from the transaction. This bill is not controversial. I congratulate the sponsor of this legislation and the gentleman from Colorado (Mr. UDALL) for their hard bipartisan work on this legislation.

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

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentleman from the Rocky Mountain State of Colorado (Mr. BEAUPREZ).

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

Mr. Speaker, I rise in support of H.R. 2677, which I introduced on July 17 of this year in order to help my constituents in Golden, Colorado with their efforts to increase their water supply system. I would also like to extend my thanks to the gentleman from Colorado (Mr. UDALL), who joins me in the Chamber, and the gentleman from Colorado (Mr. TANCREDO) for cosponsoring this important legislation with me.

Mr. Speaker, as many Members of this House are aware, the State of Colorado has recently suffered through what many scientists believe is the worst drought cycle to hit our State in the past 300 to 500 years. As a result, many communities' usage ran up against or exceeded their ability to store water. While the drought has abated in northern and central Colorado, it is still severe in parts of central and eastern Colorado, and both State and local government entities are urgently searching for ways to prepare for future drought and emergency situations.

To that end, the city of Golden, which I represent, is currently completing a new water storage facility, called the Guanella Reservoir near Empire, Colorado. When the construction is finished later this year, Guanella Reservoir will increase Golden's water storage capability by about 400 percent, which should be adequate to guard against any water shortage problems for the near future.

While the new Guanella Reservoir and the headgate to withdraw water from the nearby West Fork of Clear Creek are located entirely on private land, a small portion of the water pipeline needed to connect the reservoir with the water withdrawal site must cross a narrow finger of National Forest land. In addition, the city needs to begin filling this reservoir this coming winter, so they need authorization to construct the water pipeline across the National Forest land this fall.

To achieve the above mentioned goals, H.R. 2766 does two things. First, it authorizes and directs a small land exchange between the Forest Service and the city of Golden to give the city the Forest Service land it needs to complete the pipeline construction. If the land exchange cannot be completed for any reason, the Forest Service is directed to sell the land to the city.

Second, H.R. 2766 authorizes the city to complete the water pipeline across the National Forest land as soon as this bill is enacted into law. That provision is critical to the city's plans, as the pipeline is already completed up to the National Forest boundary, and the remaining small stretch of the pipeline must be completed as soon as possible in order for the city to begin filling the reservoir this coming winter. Unfortunately, there is not adequate time for the city to obtain an administrative permit from the Forest Service to meet the schedule, and thus, this Congressional action is required.

Mr. Speaker, in preparing this legislation, I have worked closely with my

colleagues, the gentleman from Colorado (Mr. UDALL) and the gentleman from Colorado (Mr. TANCREDO), as this land exchange directly involves lands in their congressional districts. In particular, while the proposed exchange will assist the city of Golden, it will also bring two valuable particles of land into Forest Service ownership.

The first parcel is located in the Cub Creek drainage near Evergreen, Colorado. It is sought for acquisition by the Forest Service to eliminate a private land inholding in an area that is becoming increasingly popular for public recreation.

The second parcel is a 55-acre parcel which straddles the Continental Divide near Argentine Pass and is traversed by the route of the Continental Divide National Scenic Trail. It will be donated to the Forest Service by the city as part of the exchange transaction.

I want to commend the city of Golden for making the donation of the Argentine Pass lands to the Forest Service. Donating the land to the Forest Service will mean that scarce trail acquisition dollars can be used on other parts of the Trail. So that is a real win-win for all concerned.

In closing, Mr. Speaker, allow me to note that H.R. 2766 has been endorsed by all three counties where the exchange lands are located, that is Clear Creek, Park and Summit Counties, the nonprofit Continental Divide Trail Association, the city of Black Hawk Public Works Department, the Georgetown Loop Railroad, and the U.S. Forest service. This bill is truly a bipartisan consensus proposal in every respect. I hope it will be passed by our body today and by our colleagues in the Senate shortly and signed into law by the President at the earliest possible date.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL), a hardworking member of the House Committee on Resources.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill. And as I begin to make some comments about it, I want to thank the gentleman from New Mexico (Mr. UDALL) for yielding me time.

Mr. Speaker, as my colleague and friend, the gentleman from Colorado (Mr. BEAUPREZ) explained, this bill would expedite an exchange of lands between the city of Golden and the Federal Government. I join the gentleman from Colorado (Mr. BEAUPREZ) in introducing the legislation. I want to extend my thanks for his initiative and for his great cooperation and hard work on this important piece of legislation, particularly the people of Golden and of this particular area.

I also want to join the gentleman in extending my appreciation to the subcommittee chairman, the gentleman from Colorado (Mr. MCINNIS), and the

ranking member, the gentleman from Washington (Mr. INSLEE), as well as our chairman, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for making it possible for us to move the bill quickly to the floor of the House.

Finally, I would like to acknowledge our colleague, the gentleman from Colorado (Mr. TANCREDO) whose district abuts our district and without whose help we could not have moved this legislation.

The gentleman from Colorado (Mr. BEAUPREZ) exhaustively and with great detail explained what this measure does. And I wanted to just emphasize that not only does the legislation meet the needs and interest of the city of Golden, but it also benefits the public interest as well. The gentleman explained that this land that would be exchanged helps the Continental Divide Trail so that it can move ahead with the important work that it is doing on a noncash basis. This transfer does not involve resources so they can put them towards completing the trail and maintaining the trail.

It also gives the city of Golden certainty that it can proceed with this project, and if for some reason the exchange cannot be completed, the city will buy the lands. It has made a good faith commitment toward doing this.

In conclusion this is a win-win-win across the board. It will help us respond to what has been an unprecedented drought in our State. It is an example of how, if we work together in Colorado and in this Congress, we can meet the increasing needs for water in the west.

This is a bill that on its surface may appear to be modest, but it is very important for the city of Golden, for our Colorado residents, and for all the Americans who will take advantage of the Continental Divide Trail. I would urge its support and its adoption. It is bipartisan and noncontroversial. I would like to thank, again, the gentleman from Colorado (Mr. BEAUPREZ) for his hard work.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2766, 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.

#### BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate

bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

The Clerk read as follows:

S. 677

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison Boundary Revision Act of 2003".

#### SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated April 2, 2003."

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as "Tract C" on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by striking "Map" and inserting "Map or the map described in section 4(a)(2)".

#### SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications', and dated April 2, 2003."

#### SEC. 4. GRAZING PRIVILEGES.

(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(e)(1)) is amended by adding at the end the following:

"(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange."

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(e)(3)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

"(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

"(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and"; and

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking "partnership, corporation, or" each place it appears and inserting "corporation or"; and

(B) by striking "subparagraph (A)" and inserting "subparagraph (A), (B), or (C)".

#### SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 677.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

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

Mr. Speaker, S. 677 introduced by Senator BEN NIGHTHORSE CAMPBELL of Colorado would authorize the Secretary of the Interior to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area through various exchanges and purchases with willing sellers.

In addition, S. 677 would authorize the Secretary to transfer lands under the jurisdiction of the Bureau of Land Management and ensure that any grazing rights involved in the land transfer would be continued. Finally, Section 5 on the bill clarifies that the Commissioner of the Bureau of Reclamation shall have access to and retain jurisdiction over certain roads and areas in the park in addition to roads and facilities in the East portal and Crystal Dam areas.

Mr. Speaker, S. 677 is supported by the administration and the majority and minority of the committee. I urge adoption of the bill.

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

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)