

103D CONGRESS  
1ST SESSION

**S. 341**

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**AN ACT**

To provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

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## **AN ACT**

To provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, 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. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) Eagle and Pitkin Counties in the State of  
4 Colorado (hereinafter in this Act referred to as the  
5 “Counties”) are offering to convey to the United  
6 States approximately one thousand three hundred  
7 and seven acres of patented mining claim properties  
8 owned by the Counties within or adjacent to the  
9 White River National Forest (hereinafter in this Act  
10 referred to as the “National Forest inholdings”), in-  
11 cluding approximately six hundred and sixty nine  
12 acres of inholdings within the Holy Cross, Hunter-  
13 Fryingpan, Collegiate Peaks, and Maroon Bells-  
14 Snowmass Wilderness Areas;

15 (2) the properties identified in paragraph (1)  
16 are National Forest inholdings whose acquisition by  
17 the United States, would facilitate better manage-  
18 ment of the White River National Forest and its wil-  
19 derness resources; and

20 (3) certain lands owned by the United States  
21 within Eagle County comprising approximately two  
22 hundred and seventeen acres and known as the Mt.  
23 Sopris Tree Nursery (hereinafter in this Act referred  
24 to as the “nursery lands”) are available for exchange  
25 and the Counties desire to acquire portions of the  
26 nursery lands for public purposes.

1 (b) PURPOSES.—The purposes of this Act are—

2 (1) to provide the opportunity for an exchange  
3 whereby the Counties would transfer to the United  
4 States the National Forest inholdings in exchange  
5 for portions of the nursery lands;

6 (2) to provide an expedited mechanism under  
7 Federal law for resolving any private title claims to  
8 the National Forest inholdings if the exchange is  
9 consummated; and

10 (3) after the period of limitations has run for  
11 adjudication of all private title claims to the Na-  
12 tional Forest inholdings, to quiet title in the  
13 inholdings in the United States subject to valid ex-  
14 isting rights adjudicated pursuant to this Act.

15 **SEC. 2. OFFER OF EXCHANGE.**

16 (a) OFFER BY THE COUNTIES.—The exchange di-  
17 rected by this Act shall be consummated if within ninety  
18 days after enactment of this Act, the Counties offer to  
19 transfer to the United States, pursuant to the provisions  
20 of this Act, all right, title, and interest of the Counties  
21 in and to approximately—

22 (1) one thousand two hundred and fifty eight  
23 acres of lands owned by Pitkin County within and  
24 adjacent to the boundaries of the White River Na-  
25 tional Forest, Colorado, and generally depicted as

1 parcels 1–53 on maps entitled “Pitkin County  
2 Lands to Forest Service”, numbered 1–11, and  
3 dated April 1990, except for parcels 20 (Twilight),  
4 21 (Little Alma), the Highland Chief, and Alaska  
5 portions of parcel 25 depicted on map 7, and parcel  
6 52 (Iron King) on map 11, which shall remain in  
7 their current ownership; and

8 (2) forty-nine acres of land owned by Eagle  
9 County within and adjacent to the boundaries of the  
10 White River National Forest, Colorado, and gen-  
11 erally depicted as parcels 54–58 on maps entitled  
12 “Eagle County Lands to Forest Service”, numbered  
13 12–14, and dated April 1990, except for parcel 56  
14 (Manitou) on map 14 which is already in National  
15 Forest ownership.

16 (b) EXCHANGE BY THE SECRETARY.—Subject to the  
17 provisions of section 3, within ninety days after receipt  
18 by the Secretary of Agriculture (hereinafter in this Act  
19 referred to as the “Secretary”) of a quitclaim deed from  
20 the Counties to the United States of the lands identified  
21 in subsection (a) of this section, the Secretary, on behalf  
22 of the United States, shall convey by quitclaim deed to  
23 the counties, as tenants in common, all right, title, and  
24 interest of the United States in and to approximately one  
25 hundred and thirty-two acres of land (and water rights

1 as specified in section 7 and the improvements located  
2 thereon), as generally depicted as tract A on the map enti-  
3 tled “Mt. Sopris Tree Nursery”, dated October 5, 1990.

4 **SEC. 3. RESERVATIONS AND CONDITIONS OF CONVEYANCE.**

5 (a) RESERVATIONS.—In any conveyance to the Coun-  
6 ties pursuant to section 2, the Secretary shall reserve—

7 (1) all right, title, and interest of the United  
8 States in and to approximately eighty-five acres of  
9 land (and improvements located thereon), which are  
10 generally depicted as tracts B (approximately twen-  
11 ty-nine acres) and C (approximately fifty-six acres)  
12 on the map referred to in section 2(b);

13 (2) water rights as specified in section 7(a);  
14 and

15 (3) any easements, existing utility lines, or  
16 other existing access in or across tract A currently  
17 serving buildings and facilities on tract B.

18 (b) REVERSION.—It is the intention of Congress that  
19 any lands and water rights conveyed to the Counties pur-  
20 suant to this Act shall be retained by the Counties and  
21 used solely for public recreation and recreational facilities,  
22 open space, fairgrounds, and such other public purposes  
23 as do not significantly reduce the portion of such lands  
24 in open space. In the deed of conveyance to the Counties,  
25 the Secretary shall provide that all right, title, and interest

1 in and to any lands and water rights conveyed to the  
2 Counties pursuant to this Act shall revert back to the  
3 United States in the event that such lands or water rights  
4 or any portion thereof are sold or otherwise conveyed by  
5 the Counties or are used for other than such public pur-  
6 poses.

7 (c) EQUALIZATION OF VALUES.—Values of the re-  
8 spective lands exchanged between the United States and  
9 the Counties pursuant to this Act are deemed to be of  
10 approximately equal value, without any need for cash  
11 equalization, as based on a statement of value prepared  
12 by qualified Forest Service appraisers and dated February  
13 12, 1993.

14 (d) RIGHT OF FIRST REFUSAL.—The Secretary may  
15 convey any or all of the nursery lands reserved pursuant  
16 to subsection (a) of this section for fair market value  
17 under existing authorities, except that the Secretary shall  
18 first offer the Counties the opportunity to acquire the  
19 lands. This right of first refusal shall commence upon re-  
20 ceipt by the Counties of written notice of the intent of  
21 the Secretary to convey such property, and the Counties  
22 shall have sixty days from the date of such receipt to offer  
23 to acquire such properties at fair market value as tenants  
24 in common. The Secretary shall have sole discretion as

1 to whether to accept or reject any such offer of the  
2 Counties.

3 **SEC. 4. STATUS OF LANDS ACQUIRED BY THE UNITED**  
4 **STATES.**

5 (a) NATIONAL FOREST SYSTEM LANDS.—The Na-  
6 tional Forest inholdings acquired by the United States  
7 pursuant to this Act shall become a part of the White  
8 River National Forest (or in the case of portions of parcels  
9 39, 40, and 41 depicted on map 9, and a portion of parcel  
10 54 of map 12, part of the Gunnison and Arapahoe Na-  
11 tional Forests, respectively) for administration and man-  
12 agement by the Secretary in accordance with the laws,  
13 rules, and regulations applicable to the National Forest  
14 System.

15 (b) WILDERNESS.—The National Forest inholdings  
16 that are within the boundaries of the Holy Cross, Hunter-  
17 Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass  
18 Wilderness Areas shall be incorporated in and deemed to  
19 be part of their respective wilderness areas and shall be  
20 administered in accordance with the provisions of the Wil-  
21 derness Act governing areas designated by that Act as  
22 wilderness.

1 **SEC. 5. RESOLVING TITLE DISPUTES TO NATIONAL FOREST**  
2 **INHOLDINGS.**

3 (a) QUIET TITLE ACT.—Notwithstanding any other  
4 provisions of law and subject to the provisions of sub-  
5 section (c) of this section, section 2409a of title 28, United  
6 States Code (commonly referred to as the “Quiet Title  
7 Act”) shall be the sole legal remedy of any party claiming  
8 any right, title, or interest in or to any National Forest  
9 inholdings conveyed by the Counties to the United States  
10 pursuant to this Act.

11 (b) LISTING.—Upon conveyance of the National For-  
12 est inholdings to the United States, the Secretary shall  
13 cause to be published in a newspaper or newspapers of  
14 general circulation in Pitkin and Eagle Counties, Colo-  
15 rado, a listing of all National Forest inholdings acquired  
16 pursuant to this Act together with a statement that any  
17 party desiring to assert a claim of any right, title, or inter-  
18 est in or to such lands must bring an action against the  
19 United States pursuant to such section 2409a within the  
20 same period described by subsection (c) of this section.

21 (c) LIMITATION.—Notwithstanding section 2409a(g)  
22 of title 28, United States Code, any civil action against  
23 the United States to quiet title to National Forest  
24 inholdings conveyed to the United States pursuant to this  
25 Act must be filed in the United States District Court for  
26 the District of Colorado no later than the date that is six

1 years after the date of publication of the listing required  
2 by subsection (b) of this section.

3 (d) VESTING BY OPERATION OF LAW.—Subject to  
4 any easements or other rights of record that may be ac-  
5 cepted and expressly disclaimed by the Secretary, and  
6 without limiting title to National Forest inholdings con-  
7 veyed by the Counties pursuant to this Act, all other  
8 rights, title, and interest in or to such National Forest  
9 inholdings if not otherwise vested by quitclaim deed to the  
10 United States, shall vest in the United States on the date  
11 that is six years after the date of publication of the listing  
12 required by subsection (b) of this section, except for such  
13 title as is conveyed by the Counties, no other rights, title,  
14 or interest in or to any parcel of the lands conveyed to  
15 the United States pursuant to this Act shall vest in the  
16 United States under this subsection if title to such par-  
17 cel—

18 (1) has been or hereafter is adjudicated as  
19 being in a party other than the United States or the  
20 Counties; or

21 (2) is the subject of any action or suit against  
22 the United States to vest such title in a party other  
23 than the United States or the Counties that is pend-  
24 ing on the date six years after the date of publica-

1       tion of a listing required by subsection (b) of this  
2       section.

3       (e) COSTS AND ATTORNEY'S FEES.—(1) At the dis-  
4       cretion of the court, any party claiming right, title, or in-  
5       terest in or to any of the National Forest inholdings who  
6       files an action against the United States to quiet title and  
7       fails to prevail in such action may be required to pay to  
8       the Secretary on behalf of the United States, an amount  
9       equal to the costs and attorney's fees incurred by the  
10      United States in the defense of such action.

11      (2) As a condition of any transfer of lands to the  
12      Counties under this Act, the Counties shall be obligated  
13      to reimburse the United States for 50 percent of all costs  
14      in excess of \$240,000 not reimbursed pursuant to para-  
15      graph (1) of this subsection associated with the defense  
16      by the United States of any claim or legal action brought  
17      against the United States with respect to any rights, title,  
18      and interest in or to the National Forest inholdings. Pay-  
19      ment shall be made in the same manner as provided in  
20      section 6 of this Act.

21      **SEC. 6. REIMBURSEMENT TO THE UNITED STATES.**

22      (a) IN GENERAL.—As a condition of any transfer of  
23      lands to the Counties under this Act, in addition to any  
24      amounts required to be paid to the United States pursuant  
25      to section 5(e), in the event of a final determination ad-

1 verse to the United States in any action relating to the  
2 title to the National Forest inholdings, the United States  
3 shall be entitled to receive from the Counties reimburse-  
4 ment equal to the fair market value (appraised as if they  
5 had marketable title) of the lands that are the subject of  
6 such final determination.

7 (b) AVAILABILITY OF FUNDS.—Any money received  
8 by the United States from the Counties under section 5(e)  
9 or subsection (a) of this section shall be considered money  
10 received and deposited pursuant to the Act of December  
11 4, 1967, as amended (and commonly known as the Sisk  
12 Act, 16 U.S.C. 484a).

13 (c) IN-KIND PAYMENT OF LANDS.—In lieu of mone-  
14 tary payments, any obligation for reimbursement by the  
15 Counties to the United States under this Act can be ful-  
16 filled by the conveyance to the United States of lands hav-  
17 ing a current fair market value equal to or greater than  
18 the amount of the obligation. Such lands shall be mutually  
19 acceptable to the Secretary and the Counties.

20 **SEC. 7. WATER RIGHTS.**

21 (a) ALLOCATION AND MANAGEMENT.—The water  
22 rights in existence on the date of enactment of this Act  
23 in the Mt. Sopris Tree Nursery, which comprise well water  
24 and irrigation ditch rights adjudicated under the laws of  
25 the State of Colorado, together with the right to admin-

1 ister, maintain, access, and further develop such rights,  
2 shall be allocated and managed as follows:

3 (1) The United States shall convey to the Coun-  
4 ties as undivided tenants in common all rights asso-  
5 ciated with the five existing wells on the properties.

6 (2) If the Secretary determines that water from  
7 the five existing wells is necessary to meet culinary,  
8 sanitary, or domestic uses of the existing buildings  
9 retained by the United States pursuant to section  
10 3(a), the Counties shall make available to the United  
11 States, without charge, enough water to reasonably  
12 serve such needs and shall additionally, if requested  
13 by the United States, make every effort to coopera-  
14 tively provide to the United States, without charge,  
15 commensurate with the Counties own needs on tract  
16 A, water to serve reasonable culinary, sanitary, and  
17 domestic uses of any new buildings which the United  
18 States may construct on its retained lands in the fu-  
19 ture.

20 (3) All Federally owned irrigation ditch water  
21 rights shall be reserved by the United States.

22 (b) MODIFICATION OF ALLOCATION.—If the Sec-  
23 retary and the Counties determine the public interest will  
24 be better served thereby, they may agree to modify the  
25 precise water allocation made pursuant to this section or

1 to enter into cooperative agreements (with or without re-  
2 imbursement) to use, share, or otherwise administer such  
3 water rights and associated facilities as they determine ap-  
4 propriate.

5 **SEC. 8. MISCELLANEOUS PROVISIONS.**

6 (a) TIME REQUIREMENT FOR COMPLETING TRANS-  
7 FER.—If the Counties make a timely offer, pursuant to  
8 section 2(a), the transfers of lands authorized and directed  
9 by this Act shall be completed no later than one year after  
10 the date of enactment of this Act.

11 (b) BOUNDARY MODIFICATIONS.—The Secretary and  
12 the Counties may mutually agree to make modifications  
13 of the final boundary between tracts A and B prior to  
14 completion of the exchange authorized by this Act if such  
15 modifications are determined to better serve mutual objec-  
16 tives than the precise boundaries as set forth in the maps  
17 referenced in this Act.

18 (c) TRACT A EASEMENT.—The transfer of tract A  
19 to the Counties shall be subject to the existing highway  
20 easement to the State of Colorado and to any other right,  
21 title, or interest of record.

22 (d) VALIDITY.—If any provision of this Act or the  
23 application thereof is held invalid, the remainder of the  
24 Act and application thereof, except for the precise provi-  
25 sion held invalid, shall not be affected thereby.

1       (e) FOREST HEADQUARTERS AND ADMINISTRATIVE  
2 OFFICES.—The White River National Forest head-  
3 quarters and administrative office in Glenwood Springs,  
4 Colorado, are hereby transferred from the jurisdiction of  
5 the United States General Services Administration to the  
6 jurisdiction of the Secretary, who shall retain such facili-  
7 ties unless and until otherwise provided by subsequent Act  
8 of Congress.

Passed the Senate June 29 (legislative day, June  
22), 1993.

Attest:

*Secretary.*

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