

104TH CONGRESS
2^D SESSION

H. R. 3541

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, to cause instream flows to be created above a Wild and Scenic River, to eliminate potential development on private inholdings within the Forest boundary, to reduce the need for future water reservoirs, to reduce the number of Federal land use authorizations, and to improve the security of the water supply of the city and the company, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 1996

Mr. ALLARD introduced the following bill; which was referred to the
Committee on 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, to cause instream flows to be created above a Wild and Scenic River, to eliminate potential development on private inholdings within the Forest boundary, to reduce the need for future water reservoirs, to reduce the number of Federal land use authorizations, and to improve the security of the water supply of the city and the company, and for other purposes.

1 (2) The Rockwell Ranch property is comprised
2 of 4 parcels containing approximately 520 acres of
3 lands.

4 (3) The Timberline Lake Property is a parcel
5 of approximately 10 acres located in the Comanche
6 Peak Wilderness which shall be conveyed by quit
7 claim deed for the purposes of eliminating any fu-
8 ture title conflict between the city of Greeley and the
9 United States in regard to the property.

10 (4) The Cameron Pass Lands consist of 2 par-
11 cels totaling approximately 178 acres owned by The
12 Water Supply and Storage Company.

13 (c) FEDERAL LANDS TO BE EXCHANGED.—The
14 Federal lands to be exchanged under this section are those
15 lands depicted on the maps referred to in subsection (b)
16 as “Federal Exchange Lands”. The total area of Federal
17 lands to be exchanged is approximately 1,176 acres, in-
18 cluding approximately 447 acres occupied by the city and
19 the company under perpetual easements of the United
20 States Department of the Interior, Numbers D–028135
21 and D–029149. The Federal lands to be exchanged in-
22 clude the following:

23 (1) All Federal land within the high water con-
24 tour lines of the following existing reservoirs: Barnes
25 Meadow, Chambers Lake, Comanche, Hourglass,

1 Long Draw, Milton Seaman, Peterson Lake, and
2 Twin Lakes, together with their dams and struc-
3 tures. The high water line is defined as the elevation
4 at the dam crest of each reservoir.

5 (2) A surcharge and operational access area
6 around each reservoir consisting of an average 50
7 foot horizontal projection from the high water line
8 and an average 100 foot horizontal projection from
9 the outer perimeter of all dams and appurtenant
10 structures, including but not limited to, outlets,
11 measuring devices, spillways, wasteways, toe drains,
12 canals, abutments, and the Peterson Lake oper-
13 ations cabin, as generally depicted on such map. The
14 access area to the east of Long Draw Reservoir will
15 be limited to the extent necessary to convey only
16 those lands within the boundary of the National
17 Forest.

18 (3) Those Federal lands which would be occu-
19 pied by an enlargement of Seaman Reservoir to an
20 approximate capacity of 43,000 acre feet (but not to
21 exceed 50,000 acre feet), including an average 50
22 foot horizontally projected buffer zone around the
23 enlarged water line and structures, and an 80-acre
24 parcel of Federal land south of Seaman Reservoir
25 potentially required for a downstream damsite on

1 the North Fork of the Cache la Poudre River, as
2 generally depicted on such map.

3 **SEC. 2. TERMS AND CONDITIONS RELATING TO LAND EX-**
4 **CHANGE.**

5 The land exchange under section 1 shall be processed
6 in accordance with Forest Service Land Exchange Regula-
7 tions in part 254 of title 36, Code of Federal Regulations,
8 subpart A subject to the direction in section 1 and the
9 following terms and conditions:

10 (1) The United States shall grant perpetual ac-
11 cess easements to the city of Greeley and to The
12 Water Supply and Storage Company to the lands
13 conveyed by the United States under section 1 as
14 part of the consideration of this exchange. The Unit-
15 ed States shall reserve easements for all designated
16 roads and trails crossing any Federal lands to be
17 conveyed that are necessary to assure public access
18 to adjoining National Forest lands.

19 (2) The city of Greeley, Colorado, and The
20 Water Supply and Storage Company shall continue
21 to make the following facilities accessible to visitors
22 to the Roosevelt National Forest: Chambers, Long
23 Draw, Peterson, Barnes Meadow, Comanche, Sea-
24 man and Twin Lakes Reservoirs, under rules and re-

1 restrictions as determined by the city and the com-
2 pany.

3 (3)(A) All special use permits and/or easements
4 or other instruments authorizing occupancy of the
5 Federal lands identified in section 1(c) are rescinded
6 upon completion of the exchange.

7 (B) The conditions specified in the December
8 28, 1994, and the January 4, 1995, easements for
9 Long Draw, Peterson Lake and Barnes Meadow
10 Reservoirs requiring a joint operations plan provid-
11 ing instream winter flows to the mainstream of the
12 Cache La Poudre River from Chambers Lake and
13 Barnes Meadow shall continue to be fulfilled regard-
14 less of land ownership unless mutually agreed other-
15 wise.

16 (C) No further consultation with the United
17 States Fish and Wildlife Service shall be required
18 for completion of this land exchange.

19 (D) No additional conditions, including
20 instream or bypass flow requirements, shall be re-
21 quired as a condition of this land exchange.

22 (4) The exchange under section 1 does not in-
23 clude any water right owned by the city of Greeley,
24 Colorado, or The Water Supply and Storage Com-
25 pany, except as provided in section 2(5).

1 (5) The city of Greeley's one-half interest in the
2 following rights associated with the Rockwell Ranch
3 property, to wit: Rockwell Ditches No. 1 in the vol-
4 ume of 1.2 c.f.s., No. 2 in the volume of 1.7 c.f.s.,
5 No. 3 in the volume of 2.68 c.f.s., No. 4 in the vol-
6 ume of 1.87 c.f.s., No. 5 in the volume of 1.95 c.f.s.
7 and No. 6 in the volume of 2.5 c.f.s., diverting from
8 the South Fork of the Cache la Poudre River, and
9 its tributaries, Little Beaver Creek and the North
10 Fork of Little Beaver Creek, and all with the appro-
11 priation date of December 31, 1888, shall be dedi-
12 cated to the Colorado Water Conservation Board in
13 perpetuity for the instream flow program of the
14 State of Colorado upon completion of the exchange.

15 (6) The Federal Exchange Lands to be ex-
16 changed under section 1 shall be conveyed to the
17 city of Greeley and to The Water Supply and Stor-
18 age Company by means of a land exchange deed is-
19 sued by an authorized officer of the United States
20 Department of Agriculture, Forest Service, and not-
21 withstanding any other requirements of law, the Sec-
22 retary of Agriculture is authorized to conduct and
23 approve all cadastral surveys necessary for comple-
24 tion of the exchange.

1 (7) Values of the respective lands exchanged be-
2 tween the United States and the city of Greeley and
3 The Water Supply and Storage Company pursuant
4 to section 1 are deemed to be of approximately equal
5 value, without any need for cash equalization, as
6 based on statements of value prepared by a qualified
7 Forest Service Review Appraiser.

8 (8) It is recognized that some Federal lands to
9 be conveyed to the city of Greeley and The Water
10 Supply and Storage Company will create new hold-
11 ings in otherwise consolidated areas of Federal own-
12 ership. If the city or the company decide to perma-
13 nently discontinue reservoir operations on any of the
14 properties acquired through this exchange, the Unit-
15 ed States Forest Service, Arapaho-Roosevelt Na-
16 tional Forest Supervisor shall be advised of the in-
17 tent to perform nonreconstructive breaching of the
18 dam for purposes of permanently terminating res-
19 ervoir operations. Upon such notification, the United
20 States Forest Service will be afforded the oppor-
21 tunity to reacquire property at fair market value or
22 exchange or upon such other terms and conditions
23 as the parties may agree for a period of time not to
24 exceed one year.

1 (9) The Federal lands to be exchanged under
2 section 1, with the exception of the Seaman Res-
3 ervoir enlargement area and potential new damsite
4 below Seaman Reservoir on the North Fork of the
5 Cache la Poudre River, are already fully developed
6 and authorized for occupancy by the city of Greeley
7 and The Water Supply and Storage Company.
8 Therefore, this land exchange may be completed
9 without further inventory or consultation under the
10 National Historic Preservation Act. Should the city
11 of Greeley seek enlargement of Seaman Reservoir or
12 construction of a new dam on the North Fork of
13 the Poudre River below Seaman Reservoir for a Sea-
14 man Reservoir Enlargement, the site will be subject
15 to all Federal statutes and regulations applicable at
16 the time of proposed construction.

17 (10) The Forest Service shall grant a 20-year
18 easement to the city of Greeley for use of the exist-
19 ing cabin in the north half of the southwest quarter
20 of Section 30, Township 8 North, Range 72 West.
21 The easement shall allow the use of the cabin, other
22 improvements, and access to the forest lands nearby.
23 The access road shall be available for city employees
24 to access the cabin for recreational purposes and to

1 the United States Forest Service for administrative
2 purposes.

3 (11) The Forest Service shall grant a 20-year
4 easement to the city of Greeley for use of approxi-
5 mately 1 acre of land under the existing cabin in the
6 vicinity of Jacks Gulch Campground on Pingree
7 Road as depicted on the attached map. The ease-
8 ment shall include the administrative use of the ac-
9 cess road to the cabin and the reservation of the use
10 of the cabin to those permitted under the existing
11 special use permit.

12 **SEC. 3. ADMINISTRATION OF LANDS ACQUIRED BY THE**
13 **UNITED STATES.**

14 The Rockwell Ranch, Timberline Lake, and Cameron
15 Pass Lands acquired by the United States under this Act
16 shall be added to and administered as part of the Roo-
17 sevelt National Forest. Those portions of such property
18 located within a wilderness area shall be added to and ad-
19 ministered as part of the wilderness area.

20 **SEC. 4. BOUNDARY MODIFICATION OF THE ARAPAHO NA-**
21 **TIONAL FOREST AND ROOSEVELT NATIONAL**
22 **FOREST.**

23 (a) IN GENERAL.—In order to provide for more effi-
24 cient administration of certain Federal lands adjoining the
25 Arapaho National Forest and Roosevelt National Forest,

1 the exterior boundary of the Arapaho Forest is hereby
2 modified as shown on Department of Agriculture, Forest
3 Service map entitled “Boundary Modification, Arapaho
4 National Forest” dated ____, 1995, and the exterior
5 boundary of the Roosevelt Forest is hereby modified as
6 shown on Department of Agriculture, Forest Service map
7 entitled “Boundary Modification, Roosevelt National For-
8 est”, dated ____, 1995. The maps and a legal description
9 of the boundary changes shall be on file and available for
10 public inspection in the offices of the Chief of the Forest
11 Service and appropriate field offices.

12 (b) ADMINISTRATION.—All Federal lands brought
13 within the boundary of the Arapaho National Forest and
14 Roosevelt National Forest by this Act are hereby added
15 to the Arapaho National Forest and Roosevelt National
16 Forest, respectively, and shall be administered in accord-
17 ance with the laws, rules, and regulations 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 Act of 1965 (16 U.S.C. 4601–9), the boundary of the
22 Arapaho National Forest and Roosevelt National Forest,
23 as modified by this section, shall be treated as if it were
24 the boundary of that forest as of January 1, 1965.

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