

103^D CONGRESS
1ST SESSION

H. R. 1134

IN THE SENATE OF THE UNITED STATES

JUNE 22, 1993

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the United States Forest Service, the State of Colorado, and certain local governments in the State of 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear Creek County,
5 Colorado, Public Lands Transfer Act of 1993”.

1 **SEC. 2. TRANSFER OF PUBLIC LANDS.**

2 The Secretary of the Interior (hereinafter in this Act
3 referred to as the “Secretary”) shall transfer in accord-
4 ance with this Act the approximately 14,000 acres of pub-
5 lic lands generally depicted on a map entitled “Clear Creek
6 County, Colorado, Public Lands Transfer—Proposed”,
7 and dated May 1993, to the Secretary of Agriculture, the
8 State of Colorado, and certain political subdivisions of the
9 State of Colorado, as indicated in sections 3, 4, and 5.
10 Conveyances made pursuant to this Act shall be made
11 without conducting new surveys.

12 **SEC. 3. LAND TRANSFER TO FOREST SERVICE.**

13 (a) TRANSFER.—Subject to valid existing rights, ad-
14 ministrative jurisdiction to the approximately 3,400 acres
15 of the public lands described as “Part I Lands” on the
16 map referred to in section 2 is hereby transferred to the
17 Secretary of Agriculture. Such lands are added to and
18 shall be administered as part of the Arapaho National
19 Forest in accordance with the laws and regulations per-
20 taining to the National Forest System and the Arapaho
21 National Forest.

22 (b) ADMINISTRATIVE PROVISIONS.—(1) For the pur-
23 pose of section 7 of the Land and Water Conservation
24 Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C.
25 4601–9) the boundaries of the Arapaho National Forest

1 as modified by this section shall be treated as if they were
2 the boundaries of such forest on January 1, 1965.

3 (2) Nothing in this section shall affect valid existing
4 rights, or interests in existing land use authorizations, ex-
5 cept that any such right or authorization shall be adminis-
6 tered by the Forest Service in accordance with this section
7 and other applicable laws. Reissuance of any such author-
8 ization shall be in accordance with laws applicable to the
9 National Forest System and regulations of the Secretary
10 of Agriculture, except that the change in administrative
11 jurisdiction shall not constitute in itself a ground to deny
12 renewal or reissuance of any such authorization.

13 **SEC. 4. LAND TRANSFERS TO STATE OF COLORADO AND TO**
14 **CLEAR CREEK COUNTY AND TOWNS OF SIL-**
15 **VER PLUME AND GEORGETOWN, COLORADO.**

16 (a) TRANSFER.—Subject to section 6 and valid exist-
17 ing rights, the Secretary shall transfer, without consider-
18 ation, all right, title, and interest, both surface and sub-
19 surface, of the United States in and to the approximately
20 3,200 acres of public lands described as “Part II Lands”
21 on the map referred to in section 2, excluding any such
22 lands within the corporate boundaries of the towns of
23 Georgetown or Silver Plume, Colorado, as of January 1,
24 1993, as follows:

1 (1) Approximately 600 acres of such lands to
2 the town of Silver Plume, Colorado, as so indicated
3 on such map.

4 (2) Approximately 800 acres of such lands to
5 the town of Georgetown, Colorado, as so indicated
6 on such map.

7 (3) Approximately 600 acres of such lands to
8 the County of Clear Creek, Colorado, as so indicated
9 on such map.

10 (4) Approximately 1,200 acres of such lands to
11 the State of Colorado, as so indicated on such map.

12 (b) MANAGEMENT AND REVERSION.—

13 (1) The lands transferred under this section
14 shall be managed in accordance with the cooperative
15 management agreement among the Colorado Divi-
16 sion of Wildlife, the Colorado State Historical Soci-
17 ety, the town of Silver Plume, the town of George-
18 town, and the County of Clear Creek, which is dated
19 January 1989; the stipulations related to the preser-
20 vation of artifacts contained in the Bureau of Land
21 Management's cultural resource survey pertaining to
22 such lands; and the terms of the applications filed
23 with the Secretary for the disposal of such lands
24 under the Act of June 14, 1926 (43 U.S.C. 869 et
25 seq.; hereafter in this Act referred to as the "Recre-

1 ation and Public Purposes Act’’), except that other
2 uses of the lands may be made with the approval of
3 the Secretary.

4 (2)(A) Title to lands conveyed by the Secretary
5 under this section may not be transferred by the
6 grantee or its successor except, with the consent of
7 the Secretary, to a transferee which would be a
8 qualified grantee under section 2(a) or (c) of the
9 Recreation and Public Purposes Act (43 U.S.C.
10 869–1(a), (c)).

11 (B) The provisions of paragraph (3) of this
12 subsection shall apply if at any time after such con-
13 veyance—

14 (i) the grantee or its successor attempts to
15 transfer to any other party title to or control
16 over any portion of the lands conveyed to such
17 grantee under this section, except as provided
18 in subparagraph (A), or

19 (ii) such lands or any portion thereof are
20 devoted to a use inconsistent with this sub-
21 section.

22 (3) In case of occurrence of an event described
23 in paragraph (2)(B) of this subsection, the grantee
24 of the relevant lands shall be liable to pay to the
25 Secretary of the Interior, on behalf of the United

1 States, the fair market value of all lands conveyed
2 to such grantee under this section, together with any
3 improvements thereon, as of the date of such occur-
4 rence. All sums paid to the Secretary of the Interior
5 under this paragraph shall be retained by the Sec-
6 retary and subject to appropriation, used for man-
7 agement of the public lands pursuant to the Federal
8 Land Policy and Management Act of 1976.

9 **SEC. 5. LAND TRANSFER TO CLEAR CREEK COUNTY,**
10 **COLORADO.**

11 (a) IN GENERAL.—Subject to subsection (b), section
12 6, and valid existing rights, the Secretary shall transfer,
13 without consideration, all right, title, and interest, both
14 surface and subsurface, of the United States in and to
15 the approximately 7,400 acres of public lands described
16 as “Parts III Lands” on the map referred to in section
17 202, along with any public lands on that map within the
18 corporate boundaries of the towns of Georgetown or Silver
19 Plume, Colorado as of January 1, 1993 to Clear Creek
20 County, Colorado (hereinafter in this section referred to
21 as the “County”).

22 (b) TERMS AND CONDITIONS.—The lands referred to
23 in subsection (a) may not be transferred to the County
24 until—

1 (1) it is shown to the satisfaction of the Sec-
2 retary that the county has adopted comprehensive
3 land use plans and zoning regulations applicable to
4 the area in which the lands are located;

5 (2) the Secretary finds that such plans and reg-
6 ulations are consistent with proper management of
7 any adjacent lands owned by the United States; and

8 (3)(A) the Secretary and the County have
9 reached an agreement—

10 (i) concerning the steps, including but not
11 limited to the use of appraisals (and the meth-
12 odology thereof) and the use of competitive bids
13 or other sales methods, that the County will
14 take to ensure that so far as possible any sales
15 of the lands by the County will be for fair mar-
16 ket value; and

17 (ii) under which the County will provide
18 the Secretary with an annual accounting of all
19 receipts and expenditures with regard to such
20 lands after their transfer to the County, and
21 that on the date that is 10 years after the date
22 of enactment of this Act, or at such earlier date
23 as the County may elect, the County will pay to
24 the United States an amount the Secretary de-
25 termines to be equal to the County's total net

1 receipts from the sale of some or all of such
2 lands;

3 and, in addition,

4 (B) the Secretary has also agreed that in deter-
5 mining the amounts to be paid by the County pursu-
6 ant to this paragraph, the Secretary will allow the
7 County to deduct from the gross receipts from the
8 sale of the lands all ordinary and necessary costs in-
9 curred by the County, including—

10 (i) expenses for necessary surveying, map-
11 ping, and other site characterization, and ap-
12 praisals;

13 (ii) historical preservation and environ-
14 mental protection; and

15 (iii) reasonable overhead, including staffing
16 and administrative costs.

17 (c) UNSOLD LANDS.—(1) The County may transfer
18 some or all of the lands referred to in subsection (a) to
19 an entity that would be a qualified grantee under section
20 2(a) or 2(c) of the Recreation and Public Purposes Act
21 (43 U.S.C. 869–1 (a), (c)). Any lands so transferred shall
22 after such transfer be held by the recipient thereof under
23 the same terms and conditions as if transferred to such
24 recipient by the United States under such Act, except that

1 such terms and conditions shall also apply to the mineral
2 estate in such lands.

3 (2) Any of the lands referred to in subsection (a)
4 which remain in County ownership on the date 10 years
5 after the date of enactment of this Act, or regarding which
6 the County has prior to such date notified the Secretary
7 that the County intends to retain ownership, shall be re-
8 tained by the County under the same terms and conditions
9 as if transferred to the County on such date or on the
10 date of such notification (whichever first occurs) by the
11 United States under the Recreation and Public Purposes
12 Act, except that such terms and conditions shall also apply
13 to the mineral estate in such lands.

14 **SEC. 6. MINERALS.**

15 (a) WITHDRAWAL FROM MINING ENTRY.—Subject
16 to valid existing rights, the public lands referred to in sec-
17 tions 4 and 5 are hereby withdrawn from all forms of
18 entry under the general mining laws and mineral leasing
19 laws of the United States and shall not be—

20 (1) open to the location of mining and mill site
21 claims under the general mining laws of the United
22 States;

23 (2) subject to any lease under the Mineral
24 Leasing Act (30 U.S.C. 181 and following) or the

1 Geothermal Steam Act of 1970 (30 U.S.C. 100 and
2 following); or

3 (3) available for disposal of mineral materials
4 under the Act of July 31, 1947, commonly know as
5 the Materials Act of 1947 (30 U.S.C. 601 and
6 following).

7 (b) VALID EXISTING RIGHTS.—As used in this sec-
8 tion, the term “valid existing rights” in reference to the
9 general mining laws means that a mining claim was prop-
10 erly located and maintained under the general mining laws
11 prior to the date of enactment of this Act, was supported
12 by a discovery of a valuable mineral deposit within the
13 meaning of the general mining law on the date of enact-
14 ment of this Act, and that such claim continues to be
15 valid.

16 (c) LIMITATION ON PATENT ISSUANCE.—

17 (1) No patent shall be issued by the United
18 States for any mining or mill site claim located
19 under the general mining laws within the public
20 lands referred to in sections 4 and 5 unless an appli-
21 cation for such patent was filed with the Secretary
22 of the Interior on or before the date of enactment
23 of this Act and such application has been prosecuted
24 with due diligence after its filing.

1 (2) Except as provided in paragraph (1), noth-
2 ing in this Act shall be construed as precluding issu-
3 ance of a patent to the holder of any mining or mill
4 site claim if such holder would have been entitled for
5 such issuance but for enactment of this Act.

6 **SEC. 7. MISCELLANEOUS PROVISIONS.**

7 (a) **INSPECTIONS.**—Notwithstanding any other provi-
8 sion of law, neither the Secretary nor any other officer
9 or agent of the United States shall be required to inspect
10 any of the public lands described in this title or to inform
11 Clear Creek County or any member of the public regarding
12 the condition of such lands with regard to the presence
13 or absence of any hazardous substances or otherwise.

14 (b) **LIABILITY.**—Notwithstanding any other provision
15 of law, the United States shall have no responsibility or
16 liability with respect to any hazardous wastes or other sub-
17 stances placed on any of the lands covered by this title
18 after their transfer to the ownership of another party, but
19 nothing in this title shall be construed as either diminish-
20 ing or increasing any responsibility or liability of the Unit-
21 ed States based on the condition of such lands on the date
22 of enactment of this Act.

23 (c) **BOUNDARIES.**—The boundaries of the Arapaho
24 National Forest are hereby modified as shown on the map
25 referred to in section 2. For the purpose of section 7 of

1 the Land and Water Conservation Fund Act of 1965 (16
2 U.S.C. 460l–9), the boundaries of such National Forest,
3 as so modified, shall be considered to be the boundaries
4 of such National Forest as of January 1, 1965.

5 (d) ACCOUNTING.—For purposes of the distribution
6 of receipts, any funds paid to the United States by the
7 County pursuant to an agreement described in section
8 5(b)(3) shall be deemed to be receipts from the sale of
9 public lands, but shall be specifically accounted for in doc-
10 uments submitted to justify proposed appropriations for
11 the Bureau of Land Management.

Passed the House of Representatives June 21, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.