

Calendar No. 372

103D CONGRESS
2D SESSION

H. R. 1134

[Report No. 103-228]

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.

FEBRUARY 23 (legislative day, FEBRUARY 22), 1994
Reported with amendments and an amendment to the
title

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 1993

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

FEBRUARY 23 (legislative day, FEBRUARY 22), 1994

Reported by Mr. JOHNSTON, with amendments and an amendment to the title

[Omit the part struck through and insert the part printed in italic]

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)~~ (1) *The*
23 *boundaries of the Arapaho National Forest are hereby*
24 *modified as shown on the map referred to in section 2. For*
25 *the purpose of section 7 of the Land and Water Conserva-*
26 *tion Fund Act of 1965 (78 Stat. 903, as amended; 16*

1 U.S.C. 4601–9) the boundaries of the Arapaho National
2 Forest as modified by this section shall be treated as if
3 they were the boundaries of such forest on January 1,
4 1965.

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

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

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

1 Georgetown or Silver Plume, Colorado, as of January 1,
2 1993, as follows:

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

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

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

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

14 (b) MANAGEMENT AND REVERSION.—

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

1 under the Act of June 14, 1926 (43 U.S.C. 869 et
2 seq.; hereafter in this Act referred to as the “Recre-
3 ation and Public Purposes Act”), except that other
4 uses of the lands may be made with the approval of
5 the Secretary.

6 (2)(A) Title to lands conveyed by the Secretary
7 under this section may not be transferred by the
8 grantee or its successor except, with the consent of
9 the Secretary, to a transferee which would be a
10 qualified grantee under section 2(a) or (c) of the
11 Recreation and Public Purposes Act (43 U.S.C.
12 869–1(a), (c)).

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

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

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

24 (3) In case of occurrence of an event described
25 in paragraph (2)(B) of this subsection, the grantee

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

11 **SEC. 5. LAND TRANSFER TO CLEAR CREEK COUNTY,**
12 **COLORADO.**

13 (a) **IN GENERAL.**—Subject to subsection (b), section
14 6, and valid existing rights, the Secretary shall transfer,
15 without consideration, all right, title, and interest, both
16 surface and subsurface, of the United States in and to
17 the approximately 7,400 acres of public lands described
18 as “Parts III Lands” on the map referred to in ~~section~~
19 ~~202~~, *section 2*, along with any public lands on that map
20 within the corporate boundaries of the towns of George-
21 town or Silver Plume, Colorado as of January 1, 1993
22 to Clear Creek County, Colorado (hereinafter in this sec-
23 tion referred to as the “County”).

1 (b) TERMS AND CONDITIONS.—The lands referred to
2 in subsection (a) may not be transferred to the County
3 until—

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

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

11 (3)(A) the Secretary and the County have
12 reached an agreement—

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

20 (ii) under which the County will provide
21 the Secretary with an annual accounting of all
22 receipts and expenditures with regard to such
23 lands after their transfer to the County, and
24 that on the date that is 10 years after the date
25 of enactment of this Act, or at such earlier date

1 as the County may elect, the County will pay to
2 the United States an amount the Secretary de-
3 termines to be equal to the County's total net
4 receipts from the sale of some or all of such
5 lands;

6 and, in addition,

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

13 (i) expenses for necessary surveying, map-
14 ping, and other site characterization, and ap-
15 praisals;

16 (ii) historical preservation and environ-
17 mental protection; and

18 (iii) reasonable overhead, including staffing
19 and administrative costs.

20 (c) UNSOLD LANDS.—(1) The County may transfer
21 some or all of the lands referred to in subsection (a) to
22 an entity that would be a qualified grantee under section
23 2(a) or 2(c) of the Recreation and Public Purposes Act
24 (43 U.S.C. 869-1 (a), (c)). ~~Any lands so transferred shall~~
25 ~~after such transfer be held by the recipient thereof under~~

1 the same terms and conditions as if transferred to such
2 recipient by the United States under such Act, *Any lands*
3 *so transferred shall be held by the recipient thereof under*
4 *the same terms and conditions as if transferred by the Unit-*
5 *ed States under such Act, except that such terms and con-*
6 *ditions shall also apply to the mineral estate in such lands.*

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

18 **SEC. 6. MINERALS.**

19 (a) WITHDRAWAL FROM ~~MINING~~ MINERAL ENTRY.—
20 Subject to valid existing rights, the public lands referred
21 to in sections 4 and 5 are hereby withdrawn from all forms
22 of entry under the general mining laws and mineral leas-
23 ing laws of the United States and shall not be—

1 (1) open to the location of mining and mill site
2 claims under the general mining laws of the United
3 States;

4 (2) subject to any lease under the Mineral
5 Leasing Act (30 U.S.C. 181 and following) or the
6 Geothermal Steam Act of 1970 (30 U.S.C. 100 and
7 following); or

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

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

21 ~~(c) LIMITATION ON PATENT ISSUANCE.—~~

22 ~~(1) No patent shall be issued by the United~~
23 ~~States for any mining or mill site claim located~~
24 ~~under the general mining laws within the public~~
25 ~~lands referred to in sections 4 and 5 unless an appli-~~

1 cation for such patent was filed with the Secretary
2 of the Interior on or before the date of enactment
3 of this Act and such application has been prosecuted
4 with due diligence after its filing.

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

10 (b) *LIMITATION ON PATENT ISSUANCE.*—Subject to
11 valid existing rights, no patent shall be issued after the date
12 of enactment of this Act for any mining or mill site claim
13 located under the general mining laws within the public
14 lands referred to in sections 4 and 5.

15 **SEC. 7. MISCELLANEOUS PROVISIONS.**

16 (a) *INSPECTIONS.*—Notwithstanding any other provi-
17 sion of law, neither the Secretary nor any other officer
18 or agent of the United States shall be required to inspect
19 any of the public lands described in this ~~title~~ Act or to
20 inform Clear Creek County or any member of the public
21 regarding the condition of such lands with regard to the
22 presence or absence of any hazardous substances or other-
23 wise.

24 (b) *LIABILITY.*—Notwithstanding any other provision
25 of law, the United States shall have no responsibility or

1 liability with respect to any hazardous wastes or other sub-
2 stances placed on any of the lands covered by this title
3 *Act* after their transfer to the ownership of another party,
4 but nothing in this ~~title~~ *Act* shall be construed as either
5 diminishing or increasing any responsibility or liability of
6 the United States based on the condition of ~~such lands~~
7 ~~on the date of enactment of this Act.~~ *of such lands on the*
8 *date of their transfer to the ownership of another party.*

9 ~~(c)~~ BOUNDARIES.—The boundaries of the Arapaho
10 National Forest are hereby modified as shown on the map
11 referred to in section 2. For the purpose of section 7 of
12 the Land and Water Conservation Fund Act of 1965 (16
13 U.S.C. 4601–9), the boundaries of such National Forest,
14 as so modified, shall be considered to be the boundaries
15 of such National Forest as of January 1, 1965.

16 ~~(d)~~ (c) ACCOUNTING.—For purposes of the distribu-
17 tion of receipts, any funds paid to the United States by
18 the County pursuant to an agreement described in section
19 5(b)(3) shall be deemed to be receipts from the sale of
20 public lands, but shall be specifically accounted for in doc-
21 uments submitted to justify proposed appropriations for
22 the Bureau of Land Management.

Amend the title so as to read: “An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State

of Colorado, and certain local governments in the State of Colorado, and for other purposes.”.

Passed the House of Representatives June 21, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.