

Union Calendar No. 77

103D CONGRESS
1ST SESSION

H. R. 1134

[Report No. 103-141]

A BILL

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.

JUNE 21, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

Mr. SKAGGS introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 21, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

5 The Secretary of the Interior (hereinafter in this Act
6 referred to as the “Secretary”) shall transfer in accord-
7 ance with this Act the approximately 14,000 acres of pub-
8 lic lands generally depicted on a map entitled “Clear Creek
9 County, Colorado, Public Lands Transfer—Proposed”,
10 and dated ~~September 1991~~ *May 1993*, to the Secretary
11 of Agriculture, the State of Colorado, and certain political
12 subdivisions of the State of Colorado, as indicated in sec-
13 tions 3, 4, and 5. Conveyances made pursuant to this Act
14 shall be made without conducting new surveys.

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

16 (a) TRANSFER.—Subject to valid existing rights, ad-
17 ministrative jurisdiction to the approximately ~~3,500~~ *3,400*
18 acres of the public lands described as “Part I Lands” on
19 the map referred to in section 2 is hereby transferred to
20 the Secretary of Agriculture. Such lands are added to and
21 shall be administered as part of the Arapaho National
22 Forest in accordance with the laws and regulations per-
23 taining to the National Forest System and the Arapaho
24 National Forest.

25 (b) ADMINISTRATIVE PROVISIONS.—(1) For the pur-
26 pose of section 7 of the Land and Water Conservation

1 Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C.
2 4601–9) the boundaries of the Arapaho National Forest
3 as modified by this section shall be treated as if they were
4 the boundaries of such forest on January 1, 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 ~~500~~ 600 acres of such lands
4 to the town of Silver Plume, Colorado, as so indi-
5 cated 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 ~~1,300~~ 1,200 acres of such
13 lands to the State of Colorado, as so indicated on
14 such map.

15 (b) MANAGEMENT AND REVERSION.—

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

1 with the Secretary for the disposal of such lands
2 under the Act of June 14, 1926 (43 U.S.C. 869 et
3 seq.; hereafter in this ~~title~~ Act referred to as the
4 “Recreation and Public Purposes Act”), except that
5 other uses of the lands may be made with the ap-
6 proval of the Secretary.

7 (2)(A) Title to lands conveyed by the Secretary
8 under this section may not be transferred by the
9 grantee or its successor except, with the consent of
10 the Secretary, to a transferee which would be a
11 qualified grantee under section 2(a) or (c) of the
12 Recreation and Public Purposes Act (43 U.S.C.
13 869–1(a), (c)).

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

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

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

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) the Secretary and the County have reached~~
12 ~~an agreement as to what activities must be under-~~
13 ~~taken by the County in order to facilitate sale of any~~
14 ~~portion of such lands and in which the County com-~~
15 ~~mits to pay to the United States one-half of the net~~
16 ~~monetary compensation received by the County~~
17 ~~(after allowing for the reasonable costs to the Coun-~~
18 ~~ty of such activities) from the sale of any such lands~~
19 ~~and to use one-half of such net compensation solely~~
20 ~~for—~~

21 ~~(A) acquisition or maintenance of parks;~~

22 ~~(B) acquisition or maintenance of open~~
23 ~~space;~~

24 ~~(C) historical preservation;~~

25 ~~(D) historical interpretation; or~~

1 ~~(E) environmental education.~~

2 (3)(A) *the Secretary and the County have*
3 *reached an agreement—*

4 *(i) concerning the steps, including but not*
5 *limited to the use of appraisals (and the meth-*
6 *odology thereof) and the use of competitive bids*
7 *or other sales methods, that the County will take*
8 *to ensure that so far as possible any sales of the*
9 *lands by the County will be for fair market*
10 *value; and*

11 *(ii) under which the County will provide*
12 *the Secretary with an annual accounting of all*
13 *receipts and expenditures with regard to such*
14 *lands after their transfer to the County, and that*
15 *on the date that is 10 years after the date of en-*
16 *actment of this Act, or at such earlier date as the*
17 *County may elect, the County will pay to the*
18 *United States an amount the Secretary deter-*
19 *mines to be equal to the County's total net re-*
20 *ceipts from the sale of some or all of such lands;*
21 *and, in addition,*

22 *(B) the Secretary has also agreed that in deter-*
23 *mining the amounts to be paid by the County pursu-*
24 *ant to this paragraph, the Secretary will allow the*
25 *County to deduct from the gross receipts from the sale*

1 *of the lands all ordinary and necessary costs incurred*
2 *by the County, including—*

3 *(i) expenses for necessary surveying, map-*
4 *ping, and other site characterization, and ap-*
5 *praisals;*

6 *(ii) historical preservation and environ-*
7 *mental protection; and*

8 *(iii) reasonable overhead, including staffing*
9 *and administrative costs.*

10 *(c) UNSOLD LANDS.—(1) The County may transfer*
11 *some or all of the lands referred to in subsection (a) to an*
12 *entity that would be a qualified grantee under section 2(a)*
13 *or 2(c) of the Recreation and Public Purposes Act (43*
14 *U.S.C. 869–1(a), (c)). Any lands so transferred shall after*
15 *such transfer be held by the recipient thereof under the same*
16 *terms and conditions as if transferred to such recipient by*
17 *the United States under such Act, except that such terms*
18 *and conditions shall also apply to the mineral estate in such*
19 *lands.*

20 *(2) Any of the lands referred to in subsection (a) which*
21 *remain in County ownership on the date 10 years after the*
22 *date of enactment of this Act, or regarding which the Coun-*
23 *ty has prior to such date notified the Secretary that the*
24 *County intends to retain ownership, shall be retained by*
25 *the County under the same terms and conditions as if trans-*

1 *ferred to the County on such date or on the date of such*
2 *notification (whichever first occurs) by the United States*
3 *under the Recreation and Public Purposes Act, except that*
4 *such terms and conditions shall also apply to the mineral*
5 *estate in such lands.*

6 **SEC. 6. MINERALS.**

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

12 (1) open to the location of mining and mill site
13 claims under the general mining laws of the United
14 States;

15 (2) subject to any lease under the Mineral
16 Leasing Act (30 U.S.C. 181 and following) or the
17 Geothermal Steam Act of 1970 (30 U.S.C. 100 and
18 following); or

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

23 (b) VALID EXISTING RIGHTS.—As used in this sec-
24 tion, the term “valid existing rights” in reference to the
25 general mining laws means that a mining claim was prop-

1 erly located and maintained under the general mining laws
2 prior to the date of enactment of this Act, was supported
3 by a discovery of a valuable mineral deposit within the
4 meaning of the general mining law on the date of enact-
5 ment of this Act, and that such claim continues to be
6 valid.

7 (c) LIMITATION ON PATENT ISSUANCE.—

8 ~~(1)(A)~~ After the date of enactment of this Act,
9 no patent shall be issued by the United States for
10 any mining claim located under the general mining
11 laws within the public lands referred to in sections
12 4 and 5 unless the Secretary determines that, for
13 the claim concerned—

14 (i) a patent application was filed with the
15 Secretary on or before such date; and

16 (ii) all requirements established under sec-
17 tions 2325 and 2326 of the Revised Statutes
18 ~~(30 U.S.C. 29 and 30)~~ for vein or lode claims
19 and sections 2329, 2330, 2331, and 2333 of
20 the Revised Statutes ~~(30 U.S.C. 35, 36, 37)~~ for
21 placer claims were fully complied with by that
22 date.

23 (B) If the Secretary makes the determinations
24 referred to in subparagraph (A) for any mining
25 claim, the holder of the claim shall be entitled to the

1 issuance of a patent in the same manner and degree
2 to which such claim holder would have been entitled
3 to prior to the enactment of this Act, unless and
4 until such determinations are withdrawn or invali-
5 dated by the Secretary or by a court of the United
6 States.

7 ~~(2)(A)~~ After the date of enactment of this Act,
8 no patent shall be issued by the United States for
9 any mill site claim located under the general mining
10 laws within the public lands referred to in sections
11 4 and 5 unless the Secretary determines that, for
12 the claim concerned—

13 (i) a patent application was filed with the
14 Secretary on or before such date; and

15 (ii) all requirements applicable to such pat-
16 ent application were fully complied with by that
17 date.

18 ~~(B)~~ If the Secretary makes the determinations
19 referred to in subparagraph (A) for any mill site
20 claim, the holder of the claim shall be entitled to the
21 issuance of a patent in the same manner and degree
22 to which such claim holder would have been entitled
23 to prior to the enactment of this Act, unless and
24 until such determinations are withdrawn or invali-

1 dated by the Secretary or by a court of the United
2 States.

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

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

16 **SEC. 7. MISCELLANEOUS PROVISIONS.**

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

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 after their transfer to the ownership of another party, but
4 nothing in this title shall be construed as either diminish-
5 ing or increasing any responsibility or liability of the Unit-
6 ed States based on the condition of such lands on the date
7 of enactment of this Act.

8 (c) *BOUNDARIES.*—*The boundaries of the Arapaho Na-*
9 *tional Forest are hereby modified as shown on the map re-*
10 *ferred to in section 2. For the purpose of section 7 of the*
11 *Land and Water Conservation Fund Act of 1965 (16 U.S.C.*
12 *460l–9), the boundaries of such National Forest, as so modi-*
13 *fied, shall be considered to be the boundaries of such Na-*
14 *tional Forest as of January 1, 1965.*

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