

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1134**

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**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.

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## 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. 4601-9), 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:

*Clerk.*