

103^D CONGRESS
1ST SESSION

H. R. 1134

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

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

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,*

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 September 1991, to the Secretary of Agri-
8 culture, the State of Colorado, and certain political sub-
9 divisions of the State of Colorado, as indicated in sections
10 3, 4, and 5. Conveyances made pursuant to this Act shall
11 be made 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 3,500 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 500 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 1,300 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 title 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, COLO-**
10 **RADO.**

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 7,300 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) the Secretary and the County have reached
9 an agreement as to what activities must be under-
10 taken by the County in order to facilitate sale of any
11 portion of such lands and in which the County com-
12 mits to pay to the United States one-half of the net
13 monetary compensation received by the County
14 (after allowing for the reasonable costs to the Coun-
15 ty of such activities) from the sale of any such lands
16 and to use one-half of such net compensation solely
17 for—

18 (A) acquisition or maintenance of parks;

19 (B) acquisition or maintenance of open
20 space;

21 (C) historical preservation;

22 (D) historical interpretation; or

23 (E) environmental education.

1 **SEC. 6. MINERALS.**

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4 tions 4 and 5 are hereby withdrawn from all forms of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

7 (1) open to the location of mining and mill site
8 claims under the general mining laws of the United
9 States;

10 (2) subject to any lease under the Mineral
11 Leasing Act (30 U.S.C. 181 and following) or the
12 Geothermal Steam Act of 1970 (30 U.S.C. 100 and
13 following); or

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

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

1 (c) LIMITATION ON PATENT ISSUANCE.—

2 (1)(A) After the date of enactment of this Act,
3 no patent shall be issued by the United States for
4 any mining claim located under the general mining
5 laws within the public lands referred to in sections
6 4 and 5 unless the Secretary determines that, for
7 the claim concerned—

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

10 (ii) all requirements established under sec-
11 tions 2325 and 2326 of the Revised Statutes
12 (30 U.S.C. 29 and 30) for vein or lode claims
13 and sections 2329, 2330, 2331, and 2333 of
14 the Revised Statutes (30 U.S.C. 35, 36, 37) for
15 placer claims were fully complied with by that
16 date.

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

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

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

9 (ii) all requirements applicable to such pat-
10 ent application were fully complied with by that
11 date.

12 (B) If the Secretary makes the determinations
13 referred to in subparagraph (A) for any mill site
14 claim, the holder of the claim shall be entitled to the
15 issuance of a patent in the same manner and degree
16 to which such claim holder would have been entitled
17 to prior to the enactment of this Act, unless and
18 until such determinations are withdrawn or invali-
19 dated by the Secretary or by a court of the United
20 States.

21 **SEC. 7. MISCELLANEOUS PROVISIONS.**

22 (a) INSPECTIONS.—Notwithstanding any other provi-
23 sion of law, neither the Secretary nor any other officer
24 or agent of the United States shall be required to inspect
25 any of the public lands described in this title or to inform

1 Clear Creek County or any member of the public regarding
2 the condition of such lands with regard to the presence
3 or absence of any hazardous substances or otherwise.

4 (b) LIABILITY.—Notwithstanding any other provision
5 of law, the United States shall have no responsibility or
6 liability with respect to any hazardous wastes or other sub-
7 stances placed on any of the lands covered by this title
8 after their transfer to the ownership of another party, but
9 nothing in this title shall be construed as either diminish-
10 ing or increasing any responsibility or liability of the Unit-
11 ed States based on the condition of such lands on the date
12 of enactment of this Act.

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