

Public Law 103-253
103d Congress

An Act

May 19, 1994
[H.R. 1134]

Clear Creek
County,
Colorado, Public
Lands Transfer
Act of 1993.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clear Creek County, Colorado, Public Lands Transfer Act of 1993".

SEC. 2. TRANSFER OF PUBLIC LANDS.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall transfer in accordance with this Act the approximately 14,000 acres of public lands generally depicted on a map entitled "Clear Creek County, Colorado, Public Lands Transfer—Proposed", and dated May 1993, to the Secretary of Agriculture, the State of Colorado, and certain political subdivisions of the State of Colorado, as indicated in sections 3, 4, and 5. Conveyances made pursuant to this Act shall be made without conducting new surveys.

SEC. 3. LAND TRANSFER TO FOREST SERVICE.

(a) TRANSFER.—Subject to valid existing rights, administrative jurisdiction to the approximately 3,400 acres of the public lands described as "Part I Lands" on the map referred to in section 2 is hereby transferred to the Secretary of Agriculture. Such lands are added to and shall be administered as part of the Arapaho National Forest in accordance with the laws and regulations pertaining to the National Forest System and the Arapaho National Forest.

(b) ADMINISTRATIVE PROVISIONS.—(1) The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C. 4601-9) the boundaries of the Arapaho National Forest as modified by this section shall be treated as if they were the boundaries of such forest on January 1, 1965.

(2) Nothing in this section shall affect valid existing rights, or interests in existing land use authorizations, except that any such right or authorization shall be administered by the Forest Service in accordance with this section and other applicable laws. Reissuance of any such authorization shall be in accordance with laws applicable to the National Forest System and regulations of the Secretary of Agriculture, except that the change in adminis-

trative jurisdiction shall not constitute in itself a ground to deny renewal or reissuance of any such authorization.

SEC. 4. LAND TRANSFERS TO STATE OF COLORADO AND TO CLEAR CREEK COUNTY AND TOWNS OF SILVER PLUME AND GEORGETOWN, COLORADO.

(a) **TRANSFER.**—Subject to section 6 and valid existing rights, the Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, of the United States in and to the approximately 3,200 acres of public lands described as “Part II Lands” on the map referred to in section 2, excluding any such lands within the corporate boundaries of the towns of Georgetown or Silver Plume, Colorado, as of January 1, 1993, as follows:

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

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

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

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

(b) **MANAGEMENT AND REVERSION.**—

(1) The lands transferred under this section shall be managed in accordance with the cooperative management agreement among the Colorado Division of Wildlife, the Colorado State Historical Society, the town of Silver Plume, the town of Georgetown, and the County of Clear Creek, which is dated January 1989; the stipulations related to the preservation of artifacts contained in the Bureau of Land Management’s cultural resource survey pertaining to such lands; and the terms of the applications filed with the Secretary for the disposal of such lands under the Act of June 14, 1926 (43 U.S.C. 869 et seq.; hereafter in this Act referred to as the “Recreation and Public Purposes Act”), except that other uses of the lands may be made with the approval of the Secretary.

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

(B) The provisions of paragraph (3) of this subsection shall apply if at any time after such conveyance—

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

(ii) such lands or any portion thereof are devoted to a use inconsistent with this subsection.

(3) In case of occurrence of an event described in paragraph (2)(B) of this subsection, the grantee of the relevant lands shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of all lands conveyed to such grantee under this section, together with any improvements thereon, as of the date of such occurrence. All sums paid to the Secretary of the Interior under this paragraph shall be retained by the Secretary and subject to appro-

priation, used for management of the public lands pursuant to the Federal Land Policy and Management Act of 1976.

SEC. 5. LAND TRANSFER TO CLEAR CREEK COUNTY, COLORADO.

(a) **IN GENERAL.**—Subject to subsection (b), section 6, and valid existing rights, the Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, of the United States in and to the approximately 7,400 acres of public lands described as “Parts III Lands” on the map referred to in section 2, along with any public lands on that map within the corporate boundaries of the towns of Georgetown or Silver Plume, Colorado as of January 1, 1993 to Clear Creek County, Colorado (hereinafter in this section referred to as the “County”).

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

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

(2) the Secretary finds that such plans and regulations are consistent with proper management of any adjacent lands owned by the United States; and

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

(i) concerning the steps, including but not limited to the use of appraisals (and the methodology thereof) and the use of competitive bids or other sales methods, that the County will take to ensure that so far as possible any sales of the lands by the County will be for fair market value; and

(ii) under which the County will provide the Secretary with an annual accounting of all receipts and expenditures with regard to such lands after their transfer to the County, and that on the date that is 10 years after the date of enactment of this Act, or at such earlier date as the County may elect, the County will pay to the United States an amount the Secretary determines to be equal to the County's total net receipts from the sale of some or all of such lands;

and, in addition,

(B) the Secretary has also agreed that in determining the amounts to be paid by the County pursuant to this paragraph, the Secretary will allow the County to deduct from the gross receipts from the sale of the lands all ordinary and necessary costs incurred by the County, including—

(i) expenses for necessary surveying, mapping, and other site characterization, and appraisals;

(ii) historical preservation and environmental protection; and

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

(c) **UNSOLD LANDS.**—(1) The County may transfer some or all of the lands referred to in subsection (a) to an entity that would be a qualified grantee under section 2(a) or 2(c) of the Recreation and Public Purposes Act (43 U.S.C. 869-1 (a), (c)). Any lands so transferred shall be held by the recipient thereof under the same terms and conditions as if transferred by the United

States under such Act, except that such terms and conditions shall also apply to the mineral estate in such lands.

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

SEC. 6. MINERALS.

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

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

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

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

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

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) **INSPECTIONS.**—Notwithstanding any other provision of law, neither the Secretary nor any other officer or agent of the United States shall be required to inspect any of the public lands described in this Act or to inform Clear Creek County or any member of the public regarding the condition of such lands with regard to the presence or absence of any hazardous substances or otherwise.

(b) **LIABILITY.**—Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Act after their transfer to the ownership of another party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party.

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

Approved May 19, 1994.

LEGISLATIVE HISTORY—H.R. 1134:

HOUSE REPORTS: No. 103-141 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-228 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 139 (1993): June 21, considered and passed House.

Vol. 140 (1994): Apr. 12, considered and passed Senate, amended.

May 10, House concurred in Senate amendments.