

109TH CONGRESS  
1ST SESSION

# H. R. 4181

To authorize the acquisition of certain mineral rights in Colorado, and for  
other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to  
the Committee on Resources

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## A BILL

To authorize the acquisition of certain mineral rights in  
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, FINDINGS, AND PURPOSE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Rocky Flats Minerals Acquisition Act”.

6       (b) FINDINGS.—The Congress finds the following:

7               (1) Pursuant to the Rocky Flats Wildlife Ref-  
8       uge Act of 2001 (subtitle F of Public Law 107–  
9       107), upon completion of its cleanup and closure,  
10       the Rocky Flats Environmental Technology Site, lo-

1 cated in Colorado, will be transferred to the Depart-  
2 ment of the Interior and managed as a unit of the  
3 National Wildlife Refuge System.

4 (2) Acquisition by the United States of certain  
5 mineral rights associated with Rocky Flats is desir-  
6 able in order to—

7 (A) further sound management of the site  
8 as a national wildlife refuge; and

9 (B) reduce the long-term responsibility of  
10 the Department of Energy.

11 (3) The likelihood of acquiring such rights will  
12 be increased by providing the Secretary of the Inte-  
13 rior additional methods for completion of the acqui-  
14 sition.

15 (c) PURPOSE.—The purpose of this Act is to author-  
16 ize and facilitate acquisition of mineral and other rights  
17 associated with the Rocky Flats site.

18 **SEC. 2. DEFINITIONS.**

19 In this Act:

20 (1) MINERAL RIGHTS.—The term “mineral  
21 rights” means the right, title, and interest of parties  
22 other than the United States with respect to min-  
23 erals located within the boundary of the Rocky Flats  
24 National Wildlife Refuge.

1           (2) FAIR MARKET VALUE.—The term “fair  
2       market value” means the value of a mineral right,  
3       as determined by an appraisal performed by an inde-  
4       pendent, certified mineral appraiser under the Uni-  
5       form Standards of Professional Appraisal Practice.

6           (3) NATURAL RESOURCE DAMAGE LIABILITY  
7       CLAIM.—The term “natural resource damage liabil-  
8       ity claim” means a natural resource damage liability  
9       claim under subsections (a)(4)(C) and (f) of section  
10      107 of the Comprehensive Environmental Response,  
11      Compensation, and Liability Act of 1980 (42 U.S.C.  
12      9607) arising from hazardous substances releases at  
13      or from Rocky Flats that, as of the date of enact-  
14      ment of this Act, are identified in the administrative  
15      record for Rocky Flats required by the National Oil  
16      and Hazardous Substances Pollution Contingency  
17      Plan prepared under section 105 of that Act (42  
18      U.S.C. 9605).

19          (4) SECRETARY.—The term “Secretary” means  
20      the Secretary of Energy.

21          (5) TRUSTEES.—The term “Trustees” means  
22      the Federal and State officials designated as trust-  
23      ees under section 107(f)(2) of the Comprehensive  
24      Environmental Response, Compensation, and Liabil-  
25      ity Act of 1980 (42 U.S.C. 9607(f)(2)).

1           (6) ROCKY FLATS.—The term “Rocky Flats”  
2       means the Department of Energy facility in the  
3       State of Colorado known as the “Rocky Flats Envi-  
4       ronmental Technology Site”.

5           (7) ROCKY FLATS NATIONAL WILDLIFE REF-  
6       UGE.—The term “Rocky Flats National Wildlife  
7       Refuge” has the same meaning as in the Rocky  
8       Flats National Wildlife Refuge Act (subtitle F of  
9       Public Law 107–107).

10 **SEC. 3. PURCHASE OF MINERAL RIGHTS.**

11       (a) PURCHASE OF MINERAL RIGHTS.—

12           (1) IN GENERAL.—The Secretary may purchase  
13       mineral rights.

14           (2) CONDITIONS.—The Secretary shall not pur-  
15       chase a mineral right under paragraph (1) unless—

16                (A) the owner of the mineral right is a  
17                willing seller; and

18                (B) the Secretary purchases the mineral  
19                right at fair market value.

20       (b) CONSULTATION REGARDING PRIORITY.—The  
21       Secretary shall consult with the Secretary of the Interior  
22       in order to identify which purchases of mineral rights  
23       should have the highest priority.

24       (c) RETENTION OF MINERALS.—Mineral rights pur-  
25       chased under this Act shall be retained by the United

1 States, and are hereby withdrawn from disposal under the  
2 mining and mineral leasing laws of the United States.

3 **SEC. 4. FUNDING AND RELEASE FROM LIABILITY.**

4 (a) FUNDING.—For the purpose of purchasing min-  
5 eral rights under this Act, the Secretary may use—

6 (1) of the amounts appropriated to the Sec-  
7 retary for the Rocky Flats Environmental Tech-  
8 nology Site during fiscal year 2006, \$10,000,000;  
9 and

10 (2) any other funds appropriated for such pur-  
11 pose.

12 (b) RELEASE FROM LIABILITY.—Notwithstanding  
13 any other law, any natural resource damage liability claim  
14 shall be considered to be satisfied by—

15 (1) the purchase by the Secretary of mineral  
16 rights for consideration in an amount equal to  
17 \$10,000,000;

18 (2) the payment by the Secretary to the Trust-  
19 ees of \$10,000,000; or

20 (3) the purchase by the Secretary of any por-  
21 tion of mineral rights for—

22 (A) consideration in an amount less than  
23 \$10,000,000; and

24 (B) a payment by the Secretary to the  
25 Trustees of an amount equal to the difference

1           between \$10,000,000 and the amount paid  
2           under subparagraph (A).

3       (c) USE OF FUNDS.—

4           (1) IN GENERAL.—Any amounts received by the  
5       Trustees under subsection (b) shall be used by the  
6       Trustees for the purposes described in section  
7       107(f)(1) of the Comprehensive Environmental Re-  
8       sponse, Compensation, and Liability Act of 1980 (42  
9       U.S.C. 9607(f)(1)), including—

10           (A) the purchase of any additional Rocky  
11       Flats mineral rights that were not purchased by  
12       the Secretary under this subsection; and

13           (B) the development of habitat restoration  
14       projects at Rocky Flats.

15       (2) CONDITION.—Any expenditure of funds  
16       under this paragraph shall be made jointly by the  
17       Trustees.

18       (3) ADDITIONAL FUNDS.—The Trustees may  
19       use the funds received under subsection (b)(3) in  
20       conjunction with other private and public funds.

21 **SEC. 5. TRANSFER OF MANAGEMENT RESPONSIBILITIES**  
22 **FOR LANDS CONTAINING ROCKY FLATS MIN-**  
23 **ERALS.**

24       Notwithstanding the Rocky Flats National Wildlife  
25       Refuge Act (16 U.S.C. 668dd note; Public Law 107–107),

1 administrative jurisdiction over lands in Rocky Flats  
2 where active development of mineral rights is occurring  
3 shall remain with the Secretary and shall not be trans-  
4 ferred to the Secretary of the Interior until such time as  
5 mining has terminated and the lands have been reclaimed  
6 by the mineral rights holders in accordance with require-  
7 ments established by the State of Colorado.

8 **SEC. 6. ADDITIONAL AUTHORITY TO ACQUIRE MINERAL IN-**  
9 **TERESTS.**

10 Section 3174 of Public Law 107–107 (115 Stat.  
11 1381) is amended by adding at the end the following:

12 “(g) ACQUISITION OF MINERAL INTERESTS AND IN-  
13 TERESTS IN LANDS OR WATERS.—

14 “(1) IN GENERAL.—The Secretary of the Inte-  
15 rior may acquire mineral interests, including inter-  
16 ests in sand and gravel, and any other non-Federal  
17 interests in lands or waters, within Rocky Flats  
18 by—

19 “(A) purchase with funds available to the  
20 Secretary for such purpose;

21 “(B) exchange under section 206 of the  
22 Federal Land Policy and Management Act of  
23 1976 (43 U.S.C. 1716);

24 “(C) issuance of credits in an amount  
25 equal to some or all of the market value of the

1 mineral or other interests acquired, with the  
2 concurrence of the person transferring such in-  
3 terests to the United States; or

4 “(D) any combination of the means de-  
5 scribed in subparagraphs (A), (B), and (C).

6 “(2) DEFINITION OF CREDITS.—For purposes  
7 of this subsection, the term ‘credits’ means appro-  
8 priate legal instruments or other written documenta-  
9 tion, or an entry in an account managed by the Sec-  
10 retary of the Interior, that can be used in lieu of any  
11 other monetary payment—

12 “(A) for bonus bids for lease sales on the  
13 Outer Continental Shelf; or

14 “(B) for royalty due on oil or gas produc-  
15 tion under any lease of an area located on the  
16 Outer Continental Shelf outside the zone de-  
17 scribed in section 8(g)(2) of the Outer Conti-  
18 nental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

19 “(3) TRANSFERABILITY OF CREDITS.—Any  
20 credits issued under this subsection shall be freely  
21 transferable to any other person, if the transferor  
22 notifies the Secretary of the Interior of the transfer  
23 by such method as the Secretary may specify.



1           “(4) EXPIRATION.—Any credits issued under  
2           this subsection shall expire 10 years after the date  
3           on which they are issued.

4           “(5) ACQUISITION THROUGH EXCHANGE.—

5           “(A) SAME-STATE RESTRICTION NOT AP-  
6           PLICABLE.—The requirement under section  
7           206(b) of the Federal Land Policy and Manage-  
8           ment Act of 1976 (43 U.S.C. 1716(b)) that  
9           lands or interests exchanged under that section  
10          must be located in the same State shall not  
11          apply to land (or an interest in land) in Rocky  
12          Flats that is acquired by the United States in  
13          an exchange under that section.

14          “(B) LIMITATIONS.—

15          “(i) SUITABILITY FOR DISPOSAL.—  
16          Nothing in this subsection shall be con-  
17          strued as authorizing disposal of any pub-  
18          lic land or interest therein that has not  
19          been identified as suitable for disposal pur-  
20          suant to section 203 of the Federal Land  
21          Policy and Management Act of 1976 (43  
22          U.S.C. 1713).

23          “(ii) LANDS OUTSIDE EXTERIOR  
24          BOUNDARIES.—No lands (or interests  
25          therein) located outside the exterior bound-

aries of Rocky Flats may be acquired by the Federal Government for the purposes of this subtitle except with the consent of the owner thereof.

“(6) MANAGEMENT OF ACQUIRED INTERESTS.—Any interests acquired by the United States under this subsection shall be managed by the Secretary of the Interior under the standards that apply to the Rocky Flats National Wildlife Refuge. No minerals acquired under this subsection shall be subject to development or disposal by the United States or any other party under any law related to minerals owned by the United States.

“(7) RELATION TO OTHER AUTHORITY.—The authorities provided to the Secretary of the Interior by this subsection are in addition to any other authority available to the Secretary with regard to acquisition of non-Federal interests located within Rocky Flats.”.

**SEC. 7. EXEMPTION.**

No acquisition of mineral rights under this Act shall be considered to constitute a major Federal action significantly affecting the quality of the human environment for

1 purposes of the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.).

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