

112TH CONGRESS
1ST SESSION

S. _____

To provide for the withdrawal and protection of certain Federal land in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the withdrawal and protection of certain Federal land 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 “Thompson Divide
5 Withdrawal and Protection Act of 2012”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Thompson Divide in western Colorado is
9 an area comprised of Federal and non-Federal land
10 that provides important watershed, scenic, rec-

1 recreational, wildlife, and other benefits to the general
2 public and local communities;

3 (2) the Thompson Divide provides rural char-
4 acter, a robust agriculture-based economy, and out-
5 standing recreational and sporting opportunities to
6 many surrounding communities; and

7 (3) the Thompson Divide provides important
8 spring and summer grazing land for historical
9 ranching operations.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) subject to valid existing rights, to withdraw
12 certain Federal land and mineral rights in the
13 Thompson Divide Withdrawal and Protection Area
14 from—

15 (A) disposition under the mineral and geo-
16 thermal leasing laws of the United States;

17 (B) location, patent, and entry under min-
18 ing laws of the United States; and

19 (C) all forms of appropriation or disposal
20 under the public land laws; and

21 (2) to allow for the retirement, purchase, dona-
22 tion, voluntary exchange, or other acquisition of
23 mineral and other interests in land from willing sell-
24 ers within the Thompson Divide Withdrawal and
25 Protection Area.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) MAP.—The term “map” means the map en-
4 titled “Thompson Creek Divide Proposed With-
5 drawal” and dated May 31, 2012.

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (3) THOMPSON DIVIDE WITHDRAWAL AND PRO-
9 TECTION AREA.—The term “Thompson Divide With-
10 drawal and Protection Area” means the Federal
11 land consisting of the approximately 183,000 acres
12 depicted on the map as “Thompson Creek Divide
13 Proposed Withdrawal”.

14 **SEC. 4. THOMPSON DIVIDE WITHDRAWAL AND PROTEC-**
15 **TION AREA.**

16 (a) IN GENERAL.—Subject to valid existing rights,
17 the Thompson Divide Withdrawal and Protection Area is
18 withdrawn from all forms of—

19 (1) entry, appropriation, and disposal under the
20 public land laws;

21 (2) location, entry, and patent under mining
22 laws; and

23 (3) operation of the mineral leasing, mineral
24 materials, and geothermal leasing laws.

25 (b) ACQUISITION OF MINERAL RIGHTS.—

26 (1) NOTIFICATION.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this Act,
3 the Secretary, in consultation with the Sec-
4 retary of Agriculture, shall provide written no-
5 tice to holders of valid existing mineral leases
6 or other mineral interests within the Thompson
7 Divide Withdrawal and Protection Area of the
8 potential opportunity for donation, voluntary
9 exchange, or other relinquishment of those
10 rights for retirement under this Act.

11 (B) NOTIFICATION TO SECRETARY.—On
12 receipt of the notification under subparagraph
13 (A), a holder of a valid mineral lease or other
14 mineral interest within the Thompson Divide
15 Withdrawal and Protection Area may submit a
16 written notice to the Secretary of the interest of
17 the holder in the retirement or other convey-
18 ance of that right for withdrawal and protection
19 purposes.

20 (C) LIST OF INTERESTED HOLDERS.—The
21 Secretary shall prepare a list of interested hold-
22 ers under subparagraph (A) and make the list
23 available to—

24 (i) the Secretary of Agriculture;

1 (ii) any non-Federal nonprofit organi-
2 zation described in section 170(h) of the
3 Internal Revenue Code of 1986; or

4 (iii) any person interested in acquiring
5 a right for retirement under this Act.

6 (2) WITHDRAWAL AND RETIREMENT.—If any
7 mineral lease or other mineral interest is relin-
8 quished, donated to, exchanged, or otherwise ac-
9 quired by the United States wholly or partially with-
10 in the Thompson Divide Withdrawal and Protection
11 Area under this Act or under the authority of the
12 Secretary or the Secretary of Agriculture, respec-
13 tively the land shall, without further action by the
14 Secretary concerned, be automatically withdrawn
15 from all forms of —

16 (A) entry, appropriation, and disposal
17 under the public land laws;

18 (B) location, entry, and patent under min-
19 ing laws; and

20 (C) operation of the mineral leasing, min-
21 eral materials, and geothermal leasing laws.

22 (3) PROHIBITION.—The Secretary and the Sec-
23 retary of Agriculture shall not use Federal funds to
24 repurchase any valid Federal mineral lease or other

1 mineral interest within the Thompson Divide With-
2 drawal and Protection Area.

3 (4) APPLICABILITY.—

4 (A) EXISTING RIGHTS.—Nothing in this
5 Act expands, diminishes, impairs, or otherwise
6 affects any valid existing mineral leases, min-
7 eral interest, or other private property rights
8 wholly or partially within the Thompson Divide
9 Withdrawal and Protection Area, including ac-
10 cess to the leases, rights, or land in accordance
11 with applicable Federal, State, and local laws
12 (including regulations).

13 (B) PRIOR LEASE SALES.—Nothing in this
14 Act prohibits the Secretary from taking any ac-
15 tion necessary to issue, deny, remove the sus-
16 pension of, or cancel a lease or any sold lease
17 parcel that has not been issued pursuant to any
18 lease sale carried out prior to the date of enact-
19 ment of this Act, including the completion of
20 any requirements under the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et
22 seq.).