

109TH CONGRESS
1ST SESSION

H. R. 3419

To direct the Secretary of the Interior to dispose of certain public lands that are subject to mining operations in Pershing County, Nevada, to support sustainable development opportunities for the community in which the mining operations occur through privatization of the lands allowing for productive post-mining land use that provides for economic development opportunities and local government revenues, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

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

A BILL

To direct the Secretary of the Interior to dispose of certain public lands that are subject to mining operations in Pershing County, Nevada, to support sustainable development opportunities for the community in which the mining operations occur through privatization of the lands allowing for productive post-mining land use that provides for economic development opportunities and local government revenues, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Northern Nevada Sus-
3 tainable Development in Mining Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress finds as follows:

6 (1) In the past decade, the concept of “sustain-
7 able development” has become standard United
8 States and international policy.

9 (2) Sustainable development is environmentally
10 sound and is undertaken in a way that meets the
11 needs of the present without compromising the abil-
12 ity of future generations to meet their needs.

13 (3) Federal land managers have worked with
14 the mining industry and other industries over the
15 past decade to develop sustainability principles for
16 resource development on Federal lands, but there is
17 a need to demonstrate and implement these prin-
18 ciples.

19 (4) For the mining industry, a prime goal of
20 sustainable development is to plan and implement
21 economically viable and productive post-mining land
22 uses that will allow lands impacted by mining to
23 continue providing jobs and other economic benefits
24 beyond the completion of mining activity. Privatiza-
25 tion of the surface at mine sites is a crucial compo-
26 nent in achieving and maintaining sustainable devel-

1 opment opportunities for a mining operation's host
2 community.

3 (5) With more than 80 percent of Nevada's
4 lands in Federal ownership, the State's rural com-
5 munities in particular depend on continued produc-
6 tive uses of Federal lands for jobs, tax revenues, and
7 economic development.

8 (6) Mining on Nevada's public lands is the most
9 important source of high-paying jobs and other eco-
10 nomic benefits to rural Nevada communities. Mining
11 on Nevada public lands also provides substantial tax
12 revenues to the Treasury and to State and local gov-
13 ernments.

14 (7) The Rochester Mine, located in Pershing
15 County, Nevada, provides an excellent opportunity to
16 demonstrate sustainable development principles in
17 the mining industry.

18 (8) The Rochester Mine, operated by Coeur
19 Rochester, Inc., opened in 1986 and employs 250
20 people, most of whom live in or near Lovelock, Ne-
21 vada. The mine operates on patented lands and ap-
22 proximately 7,000 acres of public lands subject to
23 mining claims and impacted by the mining oper-
24 ation.

1 (9) For its 20 years of operation, the Rochester
2 Mine has been the major source of employment for
3 Pershing County residents.

4 (10) The Rochester Mine is near the end of its
5 productivity, and closure and reclamation of the
6 mine are expected to begin within 5 years, subject
7 to closure and reclamation plans to be approved by
8 the Secretary of the Interior and the State of Ne-
9 vada. Given ore grades and exploration results in the
10 area, Coeur Rochester, Inc. does not contemplate
11 any future mining at the site.

12 (11) Without a post-mining land use for the
13 Rochester Mine or entry of a new industry, Pershing
14 County faces significant and destabilizing unemploy-
15 ment and loss of tax revenues when the Rochester
16 Mine closes.

17 (12) Coeur Rochester, Inc. has developed an in-
18 novative plan for post-mining land uses of the Roch-
19 ester Mine site, including reuse of the mine's over-
20 burden and waste rock as aggregate in California
21 and other markets, and potential use of the mine
22 site as a State-permitted landfill for municipal or in-
23 dustrial wastes or construction debris.

24 (13) The public lands subject to mining claims
25 at the Rochester Mine are difficult and uneconomical

1 for the Bureau of Land Management to manage be-
2 cause of the checkerboard pattern of Federal land
3 ownership in the vicinity of the Rochester Mine.

4 (14) Disposal of such lands will also serve other
5 important public objectives, including the demonstra-
6 tion of viable and productive post-mining land uses
7 and of other sustainable development concepts in the
8 mining industry. The project would also facilitate
9 the creation of a new long-term employment source
10 and would result in other important economic devel-
11 opment benefits and the maintenance of a tax base
12 for Pershing County.

13 (15) The Bureau of Land Management has de-
14 termined that the public lands addressed in this Act
15 are suitable for consolidation of ownership or dis-
16 posal into private ownership.

17 (16) Lands to be conveyed under this Act would
18 remain subject to applicable Federal and State envi-
19 ronmental, land use, and safety laws.

20 (17) Any lands disposed of by the Secretary
21 pursuant to this Act would be sold at \$500 per acre.

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

23 (1) to implement a sustainable development
24 project in Pershing County, Nevada;

1 (2) to encourage and promote the concept of
2 sustainable development practices in resource-de-
3 pendent communities that have a limited privately
4 held land base; and

5 (3) to provide funds for the general fund of the
6 Treasury, for the State of Nevada abandoned mine
7 lands program, and for education and other pur-
8 poses in the State of Nevada.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) CLAIMANT.—The term “Claimant” means
12 Coeur Rochester, Inc.

13 (2) COUNTY.—The term “County” means Per-
14 shing County, Nevada.

15 (3) MINING LAW.—The term “the general min-
16 ing laws” includes, in general, the provisions of law
17 codified in chapters 2, 12A, and 16 of title 30,
18 United States Code, and in sections 161 and 162 of
19 such title.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 **SEC. 4. LAND CONVEYANCE.**

23 (a) CONVEYANCE OF LAND.—Notwithstanding any
24 other provision of law, and not later than 90 days after
25 the date of the enactment of this Act, the Secretary shall

1 convey to the Claimant, in return for a payment of \$500
2 per acre, all right, title, and interest, subject to the terms
3 and conditions of subsection (c), in the approximately
4 7,000 acres of Federal lands subject to Claimant's mining
5 claims maintained under the general mining laws and de-
6 picted on the Rochester Sustainable Development Project
7 map.

8 (b) EXEMPTION FROM REVIEW, ETC.—Any convey-
9 ance of land under this Act is not subject to review, con-
10 sultation, or approval under any other Federal law.

11 (c) TERMS AND CONDITIONS OF CONVEYANCE.—

12 (1) NO IMPACT ON LEGAL OBLIGATIONS.—Con-
13 veyance of the lands pursuant to subsection (a) shall
14 not affect Claimant's legal obligations to comply
15 with applicable Federal mine closure or mine land
16 reclamation laws, or with any other applicable Fed-
17 eral or State requirement relating to closure of the
18 Rochester Mine and use of the land comprising such
19 mine, including any requirement to prepare any en-
20 vironmental impact statement under the National
21 Environmental Policy Act of 1969.

22 (2) NO INTERFERENCE WITH RECLAMATION
23 AND CLOSURE OBLIGATIONS.—The sustainable de-
24 velopment project shall be carried out in a way that
25 is consistent with reclamation and closure obliga-

1 tions under Federal laws. Federal reclamation and
2 closure obligations shall not be used to remove infra-
3 structure identified by Claimant as being usable by
4 a post-mining land use.

5 (3) TITLE TO MATERIALS AND MINERALS.—
6 Notwithstanding any other provision of law, Claim-
7 ant shall own and have title to all spent ore, waste
8 rock and tailings, and other materials located on
9 lands conveyed pursuant to subsection (a).

10 (4) VALID EXISTING RIGHTS.—All lands con-
11 veyed pursuant to subsection (a) shall be subject to
12 valid existing rights existing as of the date of trans-
13 fer of title, and Claimant shall succeed to the rights
14 and obligations of the United States with respect to
15 any mining claim, mill site claim, lease, right-of-way,
16 permit, or other valid existing right to which the
17 property is subject.

18 (5) ENVIRONMENTAL LIABILITY.—Notwith-
19 standing any other Federal, State or local law, the
20 United States—

21 (A) shall not be responsible for inves-
22 tigating or disclosing the condition of any prop-
23 erty to be conveyed under this Act; and

24 (B) shall not be responsible for environ-
25 mental remediation, waste management, or en-

1 vironmental compliance activities arising from
2 its ownership, occupancy, or management of
3 land and interests therein conveyed under this
4 Act with respect to conditions existing at or on
5 the land at the time of the conveyance.

6 **SEC. 5. DISPOSITION OF PROCEEDS.**

7 The gross proceeds of conveyances of land under this
8 Act shall be used as follows:

9 (1) Such sums as are necessary shall be used
10 to cover 100 percent of the administrative costs, not
11 to exceed \$20,000, incurred by the Nevada State Of-
12 fice and the Winnemucca Field Office of the Bureau
13 of Land Management in conducting conveyances
14 under this Act.

15 (2) \$500,000 shall be paid directly to the State
16 of Nevada for use in the State's abandoned mined
17 land program.

18 (3) \$20,000 per fiscal year for a 5-fiscal-year
19 period shall be paid directly to Pershing County, Ne-
20 vada.

21 (4) Proceeds remaining after the payments pur-
22 suant to paragraphs (1) through (3) shall be depos-
23 ited in the general fund of the Treasury.

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