

111TH CONGRESS  
2D SESSION

# S. 3408

To provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 25, 2010

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, 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 “Nevada Mining Town-  
5       site Conveyance Act”.

6       **SEC. 2. DISPOSAL OF PUBLIC LAND IN MINING TOWNSITES,**

7                       **ESMERALDA AND NYE COUNTIES, NEVADA.**

8       (a) FINDINGS.—Congress finds that—

1           (1) the Federal Government owns real property  
2           in and around historic mining townsites in the coun-  
3           ties of Esmeralda and Nye in the State of Nevada;

4           (2) while the real property described in para-  
5           graph (1) is under the jurisdiction of the Secretary,  
6           some of the real property has been occupied for dec-  
7           ades by individuals—

8                   (A) who took possession by purchase or  
9                   other documented and putatively legal trans-  
10                  actions; and

11                  (B) the continued occupation by whom  
12                  constitutes a trespass on the title held by the  
13                  Federal Government;

14           (3) as a result of the confused and conflicting  
15           ownership claims, the real property described in  
16           paragraph (1)—

17                   (A) is difficult to manage under multiple  
18                   use policies; and

19                   (B) creates a continuing source of friction  
20                   and unease between the Federal Government  
21                   and local residents;

22           (4)(A) all of the real property described in  
23           paragraph (1) is appropriate for disposal for the  
24           purpose of promoting administrative efficiency and  
25           effectiveness; and

1 (B) as of the date of enactment of this Act, the  
 2 Bureau of Land Management has identified the min-  
 3 ing townsites for disposal; and

4 (5) to promote the responsible resource man-  
 5 agement of the real property described in paragraph  
 6 (1), certain parcels should be conveyed to the county  
 7 in which the property is situated in accordance with  
 8 land use management plans of the Bureau of Land  
 9 Management so that the county may, in addition to  
 10 other actions, dispose of the property to individuals  
 11 residing on or otherwise occupying the real property.

12 (b) DEFINITIONS.—In this Act:

13 (1) CONVEYANCE MAPS.—The term “convey-  
 14 ance maps” means—

15 (A) the map entitled “Original Mining  
 16 Townsite Ione Nevada” and dated October 17,  
 17 2005; and

18 (B) the map entitled “Original Mining  
 19 Townsite Gold Point” and dated October 17,  
 20 2005.

21 (2) MINING TOWNSITE.—The term “mining  
 22 townsite” means real property—

23 (A) located in the Gold Point and Ione  
 24 townsites within the counties of Esmeralda and

1 Nye, Nevada, as depicted on the conveyance  
2 maps;

3 (B) that is owned by the Federal Govern-  
4 ment; and

5 (C) on which improvements were con-  
6 structed based on the belief that—

7 (i) the property had been or would be  
8 acquired from the Federal Government by  
9 the entity that operated the mine; or

10 (ii) the individual or entity that made  
11 the improvement had a valid claim for ac-  
12 quiring the property from the Federal Gov-  
13 ernment.

14 (D) SECRETARY.—The term “Secretary”  
15 means the Secretary of the Interior, acting  
16 through the Bureau of Land Management.

17 (c) MINING CLAIM VALIDITY REVIEW.—

18 (1) IN GENERAL.—As soon as practicable after  
19 the date of enactment of this Act, the Secretary  
20 shall carry out an expedited program to examine  
21 each unpatented mining claim (including each  
22 unpatented mining claim for which a patent applica-  
23 tion has been filed) within each mining townsite.

24 (2) DETERMINATION OF VALIDITY.—With re-  
25 spect to a mining claim, if the Secretary determines

1       that the elements of a contest are present, the Sec-  
2       retary shall immediately determine the validity of  
3       the mining claim.

4               (3) DECLARATION BY SECRETARY.—If the Sec-  
5       retary determines a mining claim to be invalid, as  
6       soon as practicable after the date of the determina-  
7       tion, the Secretary shall declare the mining claim to  
8       be null and void.

9               (4) TREATMENT OF VALID MINING CLAIMS.—

10              (A) IN GENERAL.—Each mining claim that  
11       the Secretary determines to be valid shall be  
12       maintained in compliance with the general min-  
13       ing laws and subsection (d)(2)(B).

14              (B) EFFECT ON HOLDERS.—A holder of a  
15       mining claim described in subparagraph (A)  
16       shall not be entitled to a patent.

17               (5) ABANDONMENT OF CLAIM.—The Secretary  
18       shall provide—

19              (A) public notice that each mining claim  
20       holder may affirmatively abandon the claim of  
21       the mining claim holder prior to the validity re-  
22       view; and

23              (B) to each mining claim holder an oppor-  
24       tunity to abandon the claim of the mining claim

1 holder before the date on which the land that  
 2 is subject to the mining claim is conveyed.

3 (d) CONVEYANCE AUTHORITY.—

4 (1) IN GENERAL.—After completing a validity  
 5 review under subsection (c) and notwithstanding sec-  
 6 tions 202 and 203 of the Federal Land Policy and  
 7 Management Act of 1976 (43 U.S.C. 1712, 1713),  
 8 the Secretary shall convey to the appropriate county,  
 9 without consideration, all right, title, and interest of  
 10 the United States in and to mining townsites (in-  
 11 cluding improvements on the mining townsites)—

12 (A) identified for conveyance on the con-  
 13 veyance maps; and

14 (B) that are not subject to valid mining  
 15 claims.

16 (2) VALID MINING CLAIMS.—

17 (A) IN GENERAL.—With respect to each  
 18 parcel of land located in a mining townsite sub-  
 19 ject to a valid mining claim, the Secretary shall  
 20 reserve the mineral rights and otherwise convey,  
 21 without consideration, the remaining right, title,  
 22 and interest of the United States in and to the  
 23 mining townsite (including improvements on the  
 24 mining townsite) that is identified for convey-  
 25 ance on a conveyance map.

1 (B) PROCEDURES AND REQUIREMENTS.—

2 Each valid mining claim shall be subject to each  
 3 procedure and requirement described in section  
 4 9 of the Act of December 29, 1916 (43 U.S.C.  
 5 299) (commonly known as the “Stockraising  
 6 Homestead Act of 1916”) (including regula-  
 7 tions).

8 (3) AVAILABILITY OF CONVEYANCE MAPS.—The  
 9 conveyance maps shall be on file and available for  
 10 public inspection in the appropriate offices of the  
 11 Bureau of Land Management.

12 (e) RECIPIENTS.—

13 (1) ORIGINAL RECIPIENT.—Subject to para-  
 14 graph (2), the conveyance of a mining townsite  
 15 under subsection (d) shall be made to the county in  
 16 which the mining townsite is situated.

17 (2) RECONVEYANCE TO OCCUPANTS.—

18 (A) IN GENERAL.—In the case of a mining  
 19 townsite conveyed under subsection (d) for  
 20 which a valid interest is proven by 1 or more  
 21 individuals, under the provisions of Nevada Re-  
 22 vised Statutes Chapter 244, the county that re-  
 23 ceives the mining townsite under paragraph (1)  
 24 shall reconvey the property to the 1 or more in-

1           dividuals by appropriate deed or other legal  
2           conveyance as provided in that chapter.

3           (B) AUTHORITY OF COUNTY.—A county  
4           described in subparagraph (A) is not required  
5           to recognize a claim under this paragraph that  
6           is submitted on a date that is later than 5 years  
7           after the date of enactment of this Act.

8           (f) VALID EXISTING RIGHTS.—The conveyance of a  
9           mining townsite under subsection (d) shall be subject to  
10          valid existing rights, including any easement or other  
11          right-of-way or lease in existence as of the date of the con-  
12          veyance.

13          (g) WITHDRAWALS.—Subject to valid rights in exist-  
14          ence on the date of enactment of this Act, and except as  
15          otherwise provided in this Act, the mining townsites are  
16          withdrawn from—

17               (1) all forms of entry, appropriation, or disposal  
18          under the public land laws;

19               (2) location, entry, and patent under the mining  
20          laws; and

21               (3) disposition under all laws pertaining to min-  
22          eral and geothermal leasing or mineral materials.

23          (h) SURVEY.—A mining townsite to be conveyed by  
24          the United States under subsection (d) shall be sufficiently



1 surveyed as a whole to legally describe the land for patent  
2 conveyance.

3 (i) CONVEYANCE OF TERMINATED MINING  
4 CLAIMS.—If a mining claim determined by the Secretary  
5 to be valid under subsection (c) is abandoned, invalidated,  
6 or otherwise returned to the Bureau of Land Manage-  
7 ment, the mining claim shall be—

8 (1) withdrawn in accordance with subsection  
9 (g); and

10 (2) conveyed to the owner of the surface rights  
11 covered by the mining claim.

12 (j) RELEASE.—On completion of the conveyance of  
13 a mining townsite under subsection (d), the United States  
14 shall be relieved from liability for, and shall be held harm-  
15 less from, any and all claims arising from the presence  
16 of improvements and materials on the conveyed property.

17 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Secretary such  
19 sums as are necessary to carry out this Act.

○