

107TH CONGRESS
2D SESSION

S. 2334

To authorize the Secretary of Agriculture to accept the donation of certain land in the Mineral Hill-Crevice Mountain Mining District in the State of Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2002

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To authorize the Secretary of Agriculture to accept the donation of certain land in the Mineral Hill-Crevice Mountain Mining District in the State of Montana, 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 “Mineral Hill Historic
5 Mining District Preservation Act of 2002”.

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

7 (a) FINDINGS.—Congress finds that—

1 (1) the Mineral Hill Mine located north of Yel-
2 lowstone National Park in the Gallatin National
3 Forest possesses outstanding natural characteristics,
4 wildlife habitats, and historic and educational values
5 that would make the land a valuable addition to the
6 National Forest System;

7 (2) the mining industry in the State of Mon-
8 tana played an important role in the settlement and
9 development of the western United States;

10 (3) to understand the present and future devel-
11 opment of natural resources in the United States, it
12 is necessary to study the history of the mining in-
13 dustry;

14 (4) the Jardine Historic Mining District, lo-
15 cated in the Mineral Hill-Crevice Mountain Mining
16 District, includes historically significant structures
17 that should be retained, restored, maintained, man-
18 aged, and interpreted;

19 (5) TVX Mineral Hill, Inc., the owner of the
20 Mineral Hill Mine, has offered to donate to the Sec-
21 retary of Agriculture all right, title, and interest of
22 the company in and to the mine; and

23 (6) the Secretary of Agriculture should—

24 (A) accept the donation of the Mineral Hill
25 Mine to maintain and preserve the Jardine His-

1 toric Mining District and the associated mine
2 site for the benefit, use, and education of
3 present and future generations; and

4 (B) manage and protect the natural char-
5 acteristics and wildlife habitats on the donated
6 land, consistent with the management by the
7 Secretary of Agriculture of adjoining land in
8 the Gallatin National Forest.

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

10 (1) to authorize the Secretary of Agriculture to
11 accept the donation of certain land located within
12 the boundaries of the Gallatin National Forest;

13 (2) to provide for the management and mainte-
14 nance of the donated land and associated structures
15 for the benefit, use, and education of present and fu-
16 ture generations; and

17 (3) to promote cooperation between the Sec-
18 retary of Agriculture, Montana Tech of the Univer-
19 sity of Montana, and other public and private enti-
20 ties for the purpose of providing interpretive, edu-
21 cational, and other services relating to the donated
22 land.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) AGREEMENT.—The term “Agreement”
 2 means the document entitled “Donation Agreement
 3 between TVX Mineral Hill, Inc., and the United
 4 States Department of Agriculture, Forest Service”,
 5 including any associated maps or exhibits.

6 (2) COMPANY.—

7 (A) IN GENERAL.—The term “company”
 8 means TVX Mineral Hill, Inc., a company in-
 9 corporated under the laws of the State of Min-
 10 nesota.

11 (B) INCLUSIONS.—The term “company”
 12 includes—

13 (i) any successors and assigns of the
 14 company; and

15 (ii) any other entity that has an inter-
 16 est in the donated land.

17 (3) DONATED LAND.—The term “donated
 18 land” means the non-Federal land and associated
 19 mineral rights on Federal land—

20 (A) located in the Gallatin National Forest
 21 in an area known as the “Mineral Hill-Crevise
 22 Mountain Mining District”, Park County, Mon-
 23 tana; and

24 (B) comprised of—

1 (i) approximately 570 acres of non-
 2 Federal land (including mineral rights,
 3 structures, improvements, and appur-
 4 tenances); and

5 (ii) approximately 194 acres of min-
 6 eral rights on Federal land.

7 (4) FOREST PLAN.—The term “Forest Plan”
 8 means the plan entitled the “Gallatin National For-
 9 est Land and Resource Management Plan”.

10 (5) FUND.—The term “Fund” means the Min-
 11 eral Hill Historic Mining District Fund established
 12 by section 7(a).

13 (6) MAP.—The term “map” means the map en-
 14 titled “Mineral Hill Donation—April, 2001”.

15 (7) SECRETARY.—The term “Secretary” means
 16 the Secretary of Agriculture.

17 **SEC. 4. RATIFICATION OF THE AGREEMENT.**

18 (a) RATIFICATION.—All terms, conditions, proce-
 19 dures, covenants, reservations, and other provisions de-
 20 scribed in the Agreement, as a matter of Federal law—

21 (1) are incorporated in this Act;

22 (2) are ratified and confirmed; and

23 (3) describe the rights and obligations of the
 24 Secretary and the company.

1 (b) CHANGES.—The Secretary or the company may
2 modify or amend the Agreement if—

3 (1) the Secretary and the company agree to the
4 modification or amendment; and

5 (2) the Secretary provides to the Committee on
6 Resources of the House of Representatives and the
7 Committee on Energy and Natural Resources of the
8 Senate written notice of the modification or amend-
9 ment.

10 **SEC. 5. ACCEPTANCE OF DONATED LAND.**

11 (a) IN GENERAL.—If the Secretary determines that
12 the conditions under subsection (c) have been satisfied, the
13 Secretary may accept all right, title, and interest in and
14 to the donated land, as depicted on the map.

15 (b) MAP.—

16 (1) AVAILABILITY.—The map shall be on file
17 and available for public inspection in—

18 (A) the Office of the Chief of the Forest
19 Service; and

20 (B) the office of the Forest Supervisor,
21 Gallatin National Forest, Bozeman, Montana.

22 (2) CONFLICT.—In the case of any conflict be-
23 tween the map, legal description, and deed of con-
24 veyance, the legal description shall control.

1 (c) CONDITIONS.—Before accepting title to the do-
2 nated land under subsection (a), the Secretary must—

3 (1) find—

4 (A)(i) that the title to each parcel of do-
5 nated land is acceptable and in conformity with
6 the title review standards of the Attorney Gen-
7 eral; or

8 (ii) if the title is not acceptable under
9 clause (i), that the company has satisfied any
10 corrective actions with regard to the title that
11 the Secretary recommends;

12 (B) that any boundary overlaps and en-
13 croachments on the donated land have been re-
14 solved by the company;

15 (C) that the plan to reclaim the property
16 has been successfully completed in accordance
17 with the Agreement, except for post-reclamation
18 monitoring, operation, and maintenance; and

19 (D) that the company has obtained pollu-
20 tion liability insurance on the donated land—

21 (i) of at least \$10,000,0000 in cov-
22 erage;

23 (ii) that is in effect until September 8,
24 2012;

1 (iii) that names the Secretary as an
2 additional insured;

3 (iv) that has a deductible not greater
4 than \$1,000,000; and

5 (v) that is satisfactory to the Sec-
6 retary; and

7 (2) approve the form and substance of all docu-
8 ments associated with the conveyance of the donated
9 land.

10 (d) PERMITS.—On acceptance of the donated land
11 under subsection (a), the Secretary shall accept and meet
12 the requirements of permits that—

13 (1) have been issued to the company;

14 (2) are in effect as of the date of the accept-
15 ance; and

16 (3) relate to the Mineral Hill Mine.

17 (e) RECORDATION.—Not later than 60 days after the
18 date of acceptance under subsection (a), the Secretary
19 shall record the warranty deeds transferring title to the
20 donated land to the Secretary.

21 (f) LIABILITY.—Except as provided under subsection
22 (d), acceptance of the donated land by the Secretary under
23 this section does not relieve the company of any liability
24 or responsibility relating to the company's ownership of
25 mining operations or other operations on the donated land.

1 **SEC. 6. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary shall manage the
3 donated land as part of the National Forest System.

4 (b) APPLICABLE LAW.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the donated land shall be subject to the
7 law (including regulations) applicable to the Na-
8 tional Forest System.

9 (2) EXCEPTION.—The donated land shall not
10 be subject to location and entry under the mining
11 laws of the United States.

12 (c) LAND MANAGEMENT PLANNING.—The Secretary
13 shall manage the donated land—

14 (1) until the date on which the Secretary ap-
15 proves a revised version of the Forest Plan that ad-
16 dresses the addition of the donated land—

17 (A) in accordance with the Forest Plan in
18 effect on the date of enactment of this Act; and

19 (B) consistent with the management of
20 National Forest System land that is adjacent to
21 the donated land; and

22 (2) after the date on which the revised Forest
23 Plan is approved under paragraph (1), in accordance
24 with the revised Forest Plan.

25 (d) DONATIONS.—The Secretary may solicit and ac-
26 cept donations from public and private agencies, edu-

1 cational institutions, corporations, organizations, and indi-
 2 viduals for the purpose of carrying out this Act.

3 (e) BUILDINGS, STRUCTURES, AND OTHER FEA-
 4 TURES.—

5 (1) IN GENERAL.—The Secretary may retain,
 6 restore, maintain, manage, and interpret buildings,
 7 structures, and other features on the donated land
 8 in existence on the date of enactment of this Act in
 9 accordance with—

10 (A) applicable law; and

11 (B) as the Secretary determines to be ap-
 12 propriate, the study entitled “Architectural As-
 13 sessment Recommendations & Costs of Historic
 14 Structures: Mineral Hill Mine, Jardine, Mon-
 15 tana”, dated October 2000 and revised January
 16 2001, and prepared by A&E Architects, P.C., of
 17 Missoula, Montana.

18 (2) REMOVAL.—

19 (A) IN GENERAL.—The Secretary may re-
 20 move any building, structure, or other feature
 21 on the donated land that is not selected for re-
 22 tention, restoration, maintenance, management,
 23 or interpretation under paragraph (1).

24 (B) OTHER LAWS NOT APPLICABLE.—In
 25 removing a building, structure, or other feature

1 under subparagraph (A), the Secretary shall
2 not be required—

3 (i) to conduct any assessments in ad-
4 dition to the study under paragraph
5 (1)(B); or

6 (ii) to comply with any other law (in-
7 cluding regulations).

8 (3) EFFECT.—Nothing in this subsection re-
9 stricts the authority of the Secretary to manage or
10 dispose of Federal property.

11 (f) CEMETERY SITE.—

12 (1) IN GENERAL.—The Secretary shall allow ac-
13 cess to the cemetery located on the donated land for
14 the purposes of visitation, upkeep, and maintenance.

15 (2) NEW BURIALS.—The Secretary, or a unit of
16 local government or cemetery association to which
17 the cemetery site is conveyed under paragraph (3),
18 shall not allow any burials at the cemetery site after
19 the date of enactment of this Act.

20 (3) CONVEYANCE.—The Secretary may convey
21 to a unit of local government or cemetery association
22 the cemetery site, without consideration and subject
23 to any terms and conditions that the Secretary may
24 require, for perpetual operation and maintenance of
25 the site as a cemetery.

1 **SEC. 7. MINERAL HILL HISTORIC MINING DISTRICT FUND.**

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury of the United States an account to be known
4 as the “Mineral Hill Historic Mining District Fund”, con-
5 sisting of—

6 (1) such amounts as are appropriated to the
7 Fund under subsection (b);

8 (2) such amounts as are appropriated to the
9 Fund under section 8; and

10 (3) any interest earned on investment of
11 amounts in the Fund under subsection (d).

12 (b) TRANSFERS TO FUND.—

13 (1) NATURAL RESOURCES RECEIPTS.—Notwith-
14 standing any other provision of law, there are appro-
15 priated to the Fund from amounts collected by the
16 Secretary of the Interior as fees and receipts from
17 oil, gas, timber, coal, and other natural resources on
18 all Federal land—

19 (A) \$4,115,000 for fiscal year 2003; and

20 (B) \$365,000 for fiscal year 2004 and
21 each fiscal year thereafter, adjusted annually to
22 reflect changes in the Consumer Price Index for
23 All Urban Consumers published by the Depart-
24 ment of Labor.

1 (2) DONATIONS.—There are appropriated to
 2 the Fund amounts equivalent to amounts received in
 3 the Treasury under section 6(d).

4 (c) EXPENDITURES FROM FUND.

5 (1) IN GENERAL.—Subject to paragraph (2), on
 6 request by the Secretary, without further appropria-
 7 tion, the Secretary of the Treasury shall transfer
 8 from the Fund to the Secretary such amounts as the
 9 Secretary determines are necessary to pay—

10 (A) the costs of the Secretary associated
 11 with acquiring the donated land under section
 12 5;

13 (B) the costs of retention, restoration,
 14 maintenance, management, interpretation, or
 15 removal of buildings, structures, and other fea-
 16 tures on the donated land under section 6(e);

17 (C) the costs of response and restoration
 18 actions on the donated land, including costs as-
 19 sociated with—

20 (i) compliance with the substantive re-
 21 quirements of the post-closure monitoring
 22 plan; and

23 (ii) operation and maintenance activi-
 24 ties relating to the donated land, as deter-
 25 mined to be appropriate by the Secretary;

(D) in cooperation with Montana Tech of the University of Montana, the costs of public education and interpretation of the history and geology of the donated land, including the mining industry and community life associated with the donated land;

(E) the costs of grants to, contracts with, and cooperative agreements with units of Federal, State, or local government, educational institutions, corporations, organizations, and individuals for interpretative, administrative, environmental response, and environmental restoration activities; and

(F) the insurance deductible under section 5(c)(1)(D)(iv).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this Act.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund that is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments

1 may be made only in interest-bearing obligations of
2 the United States.

3 (2) ACQUISITION OF OBLIGATIONS.—For the
4 purpose of investments under paragraph (1), obliga-
5 tions may be acquired—

6 (A) on original issue at the issue price; or

7 (B) by purchase of outstanding obligations
8 at the market price.

9 (3) SALE OF OBLIGATIONS.—Any obligation ac-
10 acquired by the Fund may be sold by the Secretary of
11 the Treasury at the market price.

12 (4) CREDITS TO FUND.—The interest on, and
13 the proceeds from the sale or redemption of, any ob-
14 ligations held in the Fund shall be credited to and
15 form a part of the Fund.

16 (e) TRANSFERS OF AMOUNTS.—

17 (1) IN GENERAL.—The amounts required to be
18 transferred to the Fund under this section shall be
19 transferred at least monthly from the general fund
20 of the Treasury to the Fund on the basis of esti-
21 mates made by the Secretary of the Treasury.

22 (2) ADJUSTMENTS.—Proper adjustment shall
23 be made in amounts subsequently transferred to the
24 extent prior estimates were in excess of or less than
25 the amounts required to be transferred.

1 (f) NO DEFERRAL OR RESCISSION.—Amounts depos-
2 ited in the Fund under this section shall not be subject
3 to deferral or rescission under the Budget Impoundment
4 and Control Act of 1974 (2 U.S.C. 621 et seq.)

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as are necessary to carry out this Act.

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