

108TH CONGRESS
2D SESSION

S. 2458

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

IN THE SENATE OF THE UNITED STATES

MAY 20, 2004

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 lands in and around historic mining townsites in 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 LANDS IN MINING TOWN-**
7 **SITES, ESMERALDA AND NYE COUNTIES, NE-**
8 **VADA.**

9 (a) FINDINGS.— Congress finds the following:

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 is under the juris-
5 diction of the Secretary of the Interior, acting
6 through the Bureau of Land Management, some of
7 the real property land has been occupied for decades
8 by persons who took possession by purchase or other
9 documented and putatively legal transactions, but
10 whose continued occupation of the real property con-
11 stitutes a “trespass” upon the title held by the Fed-
12 eral Government.

13 (3) As a result of the confused and conflicting
14 ownership claims, the real property is difficult to
15 manage under multiple use policies and creates a
16 continuing source of friction and unease between the
17 Federal Government and local residents.

18 (4) All of the real property is appropriate for
19 disposal for the purpose of promoting administrative
20 efficiency and effectiveness, and the Bureau of Land
21 Management has already identified certain parcels of
22 the real property for disposal.

23 (5) Some of the real property contains historic
24 and cultural values that must be protected.

1 (6) To promote responsible resource manage-
2 ment of the real property, certain parcels should be
3 conveyed to the county in which the property is situ-
4 ated in accordance with land use management plans
5 of the Bureau of Land Management so that the
6 county can, among other things, dispose of the prop-
7 erty to persons residing on or otherwise occupying
8 the property.

9 (b) MINING TOWNSITE DEFINED.—In this section,
10 the term “mining townsite” means real property in the
11 counties of Esmeralda and Nye, Nevada, that is owned
12 by the Federal Government, but upon which improvements
13 were constructed because of a mining operation on or near
14 the property and based upon the belief that—

15 (1) the property had been or would be acquired
16 from the Federal Government by the entity that op-
17 erated the mine; or

18 (2) the person who made the improvement had
19 a valid claim for acquiring the property from the
20 Federal Government.

21 (c) CONVEYANCE AUTHORITY.—

22 (1) IN GENERAL.—Notwithstanding sections
23 202 and 203 of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1712, 1713), the
25 Secretary of the Interior, acting through the Bureau

1 of Land Management, shall convey, without consid-
2 eration, all right, title, and interest of the United
3 States in and to mining townsites (including im-
4 provements thereon) identified for conveyance on the
5 maps entitled “Original Mining Townsite Ione Land
6 Disposal Map Nye County” and “Original Mining
7 Townsite Gold Point Land Disposal Map Esmeralda
8 County” dated October 29, 2003.

9 (2) AVAILABILITY OF MAPS.—The maps re-
10 ferred to in paragraph (1) shall be on file and avail-
11 able for public inspection in the appropriate offices
12 of the Secretary of the Interior, including the office
13 of the Bureau of Land Management located in the
14 State of Nevada.

15 (d) RECIPIENTS.—

16 (1) ORIGINAL RECIPIENT.—Subject to para-
17 graph (2), the conveyance of a mining townsite
18 under subsection (c) shall be made to the county in
19 which the mining townsite is situated.

20 (2) RECONVEYANCE TO OCCUPANTS.—In the
21 case of a mining townsite conveyed under subsection
22 (c) for which a valid interest is proven by one or
23 more persons, under the provisions of Nevada Re-
24 vised Statutes Chapter 244, the county that received
25 the mining townsite under paragraph (1) shall re-

1 convey the property to that person or persons by ap-
2 propriate deed or other legal conveyance as provided
3 in that State law. For purposes of proving a valid
4 interest, the person making the claim must have oc-
5 cupied the mining townsite for at least 15 years im-
6 mediately before the date of the enactment of this
7 Act. The county is not required to recognize a claim
8 under this paragraph submitted more than 10 years
9 after the date of the enactment of this Act.

10 (e) PROTECTION OF HISTORIC AND CULTURAL RE-
11 SOURCES.—As a condition on the conveyance or reconvey-
12 ance of a mining townsite under subsection (c), all historic
13 and cultural resources (including improvements) on the
14 mining townsite shall be preserved and protected in ac-
15 cordance with applicable Federal and State law.

16 (f) VALID EXISTING RIGHTS.—The conveyance of a
17 mining townsite under this section shall be subject to valid
18 existing rights, including any easement or other right-of-
19 way or lease in existence as of the date of the conveyance.
20 All valid existing rights and interests of mining claimants
21 shall be maintained, unless those rights or interests are
22 deemed abandoned and void or null and void under—

23 (1) section 2320 of the Revised Statutes (30
24 U.S.C. 21 et seq.);

1 (2) the Federal Land Policy and Management
2 Act of 1976 (43 U.S.C. 1701 et seq.); or

3 (3) subtitle B of title X of the Omnibus Budget
4 Reconciliation Act of 1993 (30 U.S.C. 28(f)–(k)), in-
5 cluding regulations promulgated under section
6 3833.1 of title 43, Code of Federal Regulations or
7 any successor regulation.

8 (g) SURVEY.—A mining townsite to be conveyed by
9 the United States under this section shall be sufficiently
10 surveyed to legally describe the land for patent convey-
11 ance.

12 (h) RELEASE.—On completion of the conveyance of
13 a mining townsite under subsection (c), 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 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary of the Inte-
19 rior such amounts as may be necessary to carry out the
20 conveyances required by this section, including funds to
21 cover the costs of cadastral and mineral surveys, mineral
22 potential reports, hazardous materials, biological, cultural
23 and archaeological clearances, validity examinations and
24 other expenses incidental to the conveyances.

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