

109TH CONGRESS
1ST SESSION

H. R. 4401

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. GIBBONS introduced the following bill; which was referred to the Committee on 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, Ne-
6 vada” and “Original Mining Townsite, Gold Point,
7 Nevada” and dated October 17, 2005.

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

14 (d) RECIPIENTS.—

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

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

1 appropriate deed or other legal conveyance as provided
2 in that State law. The county is not required to rec-
3 ognize a claim under this paragraph submitted more
4 than 10 years after the date of the enactment of this
5 Act.

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

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

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

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

23 (3) subtitle B of title X of the Omnibus Budget
24 Reconciliation Act of 1993 (30 U.S.C. 28(f)–(k)), in-
25 cluding regulations promulgated under section

1 3833.1 of title 43, Code of Federal Regulations or
2 any successor regulation.

3 (g) SURVEY.—A mining townsite to be conveyed by
4 the United States under this section shall be sufficiently
5 surveyed to legally describe the land for patent convey-
6 ance.

7 (h) RELEASE.—On completion of the conveyance of
8 a mining townsite under subsection (c), the United States
9 shall be relieved from liability for, and shall be held harm-
10 less from, any and all claims arising from the presence
11 of improvements and materials on the conveyed property.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary of the Inte-
14 rior such amounts as may be necessary to carry out the
15 conveyances required by this section, including funds to
16 cover the costs of cadastral and mineral surveys, mineral
17 potential reports, hazardous materials, biological, cultural
18 and archaeological clearances, validity examinations and
19 other expenses incidental to the conveyances.

○