

112TH CONGRESS
2D SESSION

H. R. 6497

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

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

A BILL

To provide for the conveyance of certain public lands under the jurisdiction of the Bureau of Land Management 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 of 2012”.

1 **SEC. 2. DISPOSAL OF PUBLIC LANDS IN MINING TOWN-**
2 **SITES, ESMERALDA AND NYE COUNTIES, NE-**
3 **VADA.**

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

5 (1) The Federal Government owns real property
6 in and around historic mining townsites in the coun-
7 ties of Esmeralda and Nye in the State of Nevada.

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

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

22 (4) Much of the real property is appropriate for
23 disposal for the purpose of promoting administrative
24 efficiency and effectiveness, and the Bureau of Land
25 Management has already identified certain parcels of
26 the real property for disposal.

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

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

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

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

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

23 (c) CONVEYANCE AUTHORITY.—

24 (1) IN GENERAL.—Notwithstanding sections
25 202 and 203 of the Federal Land Policy and Man-

1 agement Act of 1976 (43 U.S.C. 1712, 1713), the
2 Secretary of the Interior, acting through the Bureau
3 of Land Management, shall convey, without consid-
4 eration, all right, title, and interest of the United
5 States in and to mining townsites (including im-
6 provements thereon) identified for conveyance on the
7 maps entitled “Original Mining Townsite Gold
8 Point, Nevada, Land Disposal Map” and “Original
9 Mining Townsite Ione, Nevada, Land Disposal
10 Map”, dated _____.

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

17 (d) RECIPIENTS.—

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

22 (2) RECONVEYANCE TO OCCUPANTS.—In the
23 case of a mining townsite conveyed under subsection
24 (c) for which a valid interest is proven by one or
25 more persons, under the provisions of Nevada Re-

1 vised Statutes Chapter 244, the county that received
2 the mining townsite under paragraph (1) shall re-
3 convey the property to that person or persons by ap-
4 propriate deed or other legal conveyance as provided
5 in that State law. For purposes of proving a valid
6 interest, the person making the claim must have oc-
7 cupied the mining townsite for at least 15 years im-
8 mediately before the date of the enactment of this
9 Act. The county is not required to recognize a claim
10 under this paragraph submitted more than 10 years
11 after the date of the enactment of this Act.

12 (e) PROTECTION OF HISTORIC AND CULTURAL RE-
13 SOURCES.—As a condition on the conveyance or reconvey-
14 ance of a mining townsite under subsection (c) or (d)(2),
15 all historic and cultural resources (including improve-
16 ments) on the mining townsite shall be preserved and pro-
17 tected in accordance with applicable Federal and State
18 law.

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

1 (1) section 2320 of the Revised Statutes (30
2 U.S.C. 23);

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

5 (3) section 10104 of the Omnibus Budget Rec-
6 onciliation Act of 1993 (Public Law 103–66; 30
7 U.S.C. 28i), including regulations promulgated
8 under section 3833.1 of title 43, Code of Federal
9 Regulations or any successor regulation.

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

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

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary of the Inte-
21 rior such amounts as may be necessary to carry out the
22 conveyances required by this section, including funds to
23 cover the costs of cadastral and mineral surveys, mineral
24 potential reports, hazardous materials, biological, cultural

- 1 and archeological clearances, validity examinations and
- 2 other expenses incidental to the conveyances.

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