

113TH CONGRESS
2D SESSION

S. _____

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

Mr. HELLER (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on _____

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, NYE, AND STOREY COUNTIES,**

8 **NEVADA.**

9 (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, Nye, and Storey in the State of
4 Nevada;

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

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

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

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

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

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

23 (4)(A) all of the real property described in
24 paragraph (1) is appropriate for disposal for the

1 purpose of promoting administrative efficiency and
2 effectiveness; and

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

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

14 (b) DEFINITIONS.—In this Act:

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

17 (A) the map entitled “Original Mining
18 Townsite Ione Nevada” and dated October 17,
19 2005;

20 (B) the map entitled “Original Mining
21 Townsite Gold Point” and dated October 17,
22 2005; and

23 (C) the map entitled “Restoring Storey
24 County Act” and dated November 20, 2012.

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

3 (A) located in the Gold Point, Ione, Gold
4 Hill, and Virginia City townsites within the
5 counties of Esmeralda, Nye, and Storey, Ne-
6 vada, as depicted on the conveyance maps;

7 (B) that is owned by the Federal Govern-
8 ment; and

9 (C) on which improvements were con-
10 structed based on the belief that—

11 (i) the property had been or would be
12 acquired from the Federal Government by
13 the entity that operated the mine; or

14 (ii) the individual or entity that made
15 the improvement had a valid claim for ac-
16 quiring the property from the Federal Gov-
17 ernment.

18 (D) SECRETARY.—The term “Secretary”
19 means the Secretary of the Interior, acting
20 through the Bureau of Land Management.

21 (c) MINING CLAIM VALIDITY REVIEW.—

22 (1) IN GENERAL.—As soon as practicable after
23 the date of enactment of this Act, the Secretary
24 shall carry out an expedited program to examine
25 each unpatented mining claim (including each

1 unpatented mining claim for which a patent applica-
2 tion has been filed) within each mining townsite.

3 (2) DETERMINATION OF VALIDITY.—With re-
4 spect to a mining claim, if the Secretary determines
5 that the elements of a contest are present, the Sec-
6 retary shall immediately determine the validity of
7 the mining claim.

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

13 (4) TREATMENT OF VALID MINING CLAIMS.—

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

18 (B) EFFECT ON HOLDERS.—A holder of a
19 mining claim described in subparagraph (A)
20 shall not be entitled to a patent.

21 (5) ABANDONMENT OF CLAIM.—The Secretary
22 shall provide—

23 (A) public notice that each mining claim
24 holder may affirmatively abandon the claim of

1 the mining claim holder prior to the validity re-
2 view; and

3 (B) to each mining claim holder an oppor-
4 tunity to abandon the claim of the mining claim
5 holder before the date on which the land that
6 is subject to the mining claim is conveyed.

7 (d) CONVEYANCE AUTHORITY.—

8 (1) IN GENERAL.—After completing a validity
9 review under subsection (c), notwithstanding sec-
10 tions 202 and 203 of the Federal Land Policy and
11 Management Act of 1976 (43 U.S.C. 1712, 1713)
12 and subject to the agreement of the county, the Sec-
13 retary shall convey to the appropriate county, with-
14 out consideration, all right, title, and interest of the
15 United States in and to the mining townsites (in-
16 cluding improvements on the mining townsites)—

17 (A) identified for conveyance on the con-
18 veyance maps; and

19 (B) that are not subject to valid mining
20 claims.

21 (2) VALID MINING CLAIMS.—

22 (A) IN GENERAL.—With respect to each
23 parcel of land located in a mining townsite sub-
24 ject to a valid mining claim, the Secretary shall
25 reserve the mineral rights and otherwise convey,

1 without consideration, the remaining right, title,
2 and interest of the United States in and to the
3 mining townsite (including improvements on the
4 mining townsite) that is identified for convey-
5 ance on a conveyance map.

6 (B) PROCEDURES AND REQUIREMENTS.—
7 Each valid mining claim shall be subject to each
8 procedure and requirement described in section
9 9 of the Act of December 29, 1916 (43 U.S.C.
10 299) (commonly known as the “Stockraising
11 Homestead Act of 1916”) (including regula-
12 tions).

13 (3) AVAILABILITY OF CONVEYANCE MAPS.—The
14 conveyance maps shall be on file and available for
15 public inspection in the appropriate offices of the
16 Bureau of Land Management.

17 (e) RECIPIENTS.—

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

22 (2) RECONVEYANCE TO OCCUPANTS.—

23 (A) IN GENERAL.—In the case of a mining
24 townsite conveyed under subsection (d) for
25 which a valid interest is proven by 1 or more

1 individuals, under the provisions of Nevada Re-
2 vised Statutes Chapter 244, the county that re-
3 ceives the mining townsite under paragraph (1)
4 shall reconvey the property to the 1 or more in-
5 dividuals by appropriate deed or other legal
6 conveyance as provided in that chapter.

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

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

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

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

23 (2) location, entry, and patent under the mining
24 laws; and

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

3 (h) SURVEY.—A mining townsite to be conveyed by
4 the United States under subsection (d) shall be sufficiently
5 surveyed as a whole to legally describe the land for patent
6 conveyance.

7 (i) CONVEYANCE OF TERMINATED MINING
8 CLAIMS.—If a mining claim determined by the Secretary
9 to be valid under subsection (e) is abandoned, invalidated,
10 or otherwise returned to the Bureau of Land Manage-
11 ment, the mining claim shall be—

12 (1) withdrawn in accordance with subsection
13 (g); and

14 (2) subject to the agreement of the owner, con-
15 veyed to the owner of the surface rights covered by
16 the mining claim.

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

22 (k) DEADLINE FOR REVIEW AND CONVEYANCES.—
23 It is the sense of Congress that the examination of the
24 unpatented mining claims under subsection (e) and the
25 conveyances under subsection (d) should be completed not

1 later than 18 months after the date of enactment of this
2 Act.