

Note in the language below I have **boldfaced** key problematic phrases that allow people other than miners to slip through. **Red font is of special note.**
Navy is my comments. Ralph Maughan

H.R.4241

Deficit Reduction Act of 2005 (Reported in House)

SEC. 6204. MINERAL DEVELOPMENT LANDS AVAILABLE FOR PURCHASE.

Section 2319 of the Revised Statutes (30 U.S.C. 22) is amended--

(1) by inserting '(a) **Lands Open to Purchase by Citizens-**' before the first sentence;
and

(2) by adding at the end the following:

(b) Availability for Purchase- **Notwithstanding any other provision of law** and in compliance with subsection (c), the Secretary of the Interior shall make mineral deposits and the lands that contain them, **including lands in which the valuable mineral deposit has been depleted, available for purchase** to facilitate sustainable economic development. This subsection shall not apply with respect to any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or to any National Conservation Area, any National Recreation Area, any National Monument, or any unit of the National Wilderness Preservation System.

(c) Application- The holder of mining claims, mill sites, and blocks of such mining claims and mill sites **contiguous to** patented or **unpatented mining claims** or mill sites where mineral development activities, including mining, have been conducted as authorized by law or regulation and on which mineral development work has been performed may apply to purchase Federal lands that are subject to the claims. The filing of the proper application shall include such processing fees as are required by section 2325 of the Revised Statutes (30 U.S.C. 29). The applicant or applicants, or their predecessors must present evidence of mineral development work performed on the Federal lands identified and submitted for purchase. **Mineral development work upon aggregation must average not less than \$7,500 per mining claim or mill site within the Federal lands identified and applied for.** (*see my note in paragraph g further down*).

(d) Land Surveys- For the purpose of this section, and notwithstanding section 2334 of the Revised Statutes (30 U.S.C. 39), land surveys of the Federal lands applied for shall be paid for by the applicant and shall be completed either by a land surveyor registered in the State where the land is situated, or by such a surveyor also designated by the Bureau of Land Management as a mineral surveyor, if such mineral surveyors are available, willing, and able to complete such surveys without delay at a cost comparable to the charges of ordinary registered land surveyors.

(e) Deadline for Conveyance; Price- **Notwithstanding any other provision of law**, and not later than one year after the date of the approval of any survey required under subsection (d), the

Secretary of the Interior shall convey to the applicant, **in return for a payment of \$1,000 per acre or fair market value, whichever is greater, all right, title, and interest in and to the Federal land**, subject to valid existing rights and the terms and conditions of the Act of August 30, 1890 (26 Stat. 391). For purposes of this subsection, fair market value for mineral development lands available for purchase shall be determined by appraisals prepared by an appraiser certified or qualified under applicable professional criteria or State law, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice, submitted by the applicant to the Secretary of the Interior upon application for purchase, that is completed within 120 days prior to submission of the application. Fair market value for the interest in the land owned by the United States **shall be exclusive of, and without regard to, the mineral deposits in the land or the use of such land for mineral activities.**

`(f) Environmental Liability- Notwithstanding any other Federal, State or local law, the United States shall not be responsible for--

`(1) investigating or disclosing the condition of any property to be conveyed under this section; and

`(2) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this section with respect to conditions existing at or on the land at the time of the conveyance.

`(g) Mineral Development Work Defined- In this section the term **'mineral development work'** means geologic, geochemical or geophysical surveys; **road building**; exploration drilling, trenching, and **exploratory sampling by any other means**; construction of underground workings for the purpose of conducting exploration; mine development work; mineral production from underground or surface mines; **environmental baseline studies**; construction of environmental protection and monitoring systems; **environmental reclamation**; construction of power and water distribution facilities; engineering, metallurgical, geotechnical, and **economic feasibility studies**; land surveys; and any other work reasonably incident to mineral development.
Note that economic feasibility studies could simply meaning hiring a consultant, maybe even an employee of the company interested in the land.

SEC. 6205. NATIONAL MINING AND MINERALS POLICY TO ENCOURAGE AND PROMOTE THE PRODUCTIVE SECOND USE OF LANDS.

Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended--

(1) in the first sentence--

(A) in clause (2) by inserting 'including through re-mining where appropriate' after 'needs,';

(B) in clause (3) by striking `and' after the comma at the end; and

(C) by striking the period at the end and inserting the following: `, and (5) facilitate the productive second use of lands used for mining and energy production.';

(2) in the second sentence by striking `oil shale and uranium' and inserting `oil shale, and uranium, whether located onshore or offshore'; and

(3) in the third sentence--

(A) by striking `the Secretary of the Interior' and inserting `the head of each Federal department and of each independent agency'; and

(B) by striking `his'.

SEC. 6206. REGULATIONS.

The Secretary of the Interior shall issue final regulations implementing this subtitle by not later than 180 days after the date of the enactment of this Act.

SEC. 6207. PROTECTION OF NATIONAL PARKS AND WILDERNESS AREAS.

Subject to valid existing rights, nothing in sections 6202, 6203, 6204, 6205, and 6206 of this subtitle shall be construed as affecting any lands within the boundary of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or any National Conservation Area, any National Recreation Area, any National Monument, or any unit of the National Wilderness Preservation System as of the date of the enactment of this Act. *What does this mean? It might really mean mines in wilderness areas and national parks?*

Subtitle C--Disposal of Public Lands

CHAPTER 1--DISPOSAL OF CERTAIN PUBLIC LANDS IN NEVADA

SEC. 6301. SHORT TITLE.

This chapter may be cited as the `Northern Nevada Sustainable Development in Mining Act'.

SEC. 6302. DEFINITIONS.

In this chapter:

(1) CLAIMANT- The term `Claimant' means Coeur Rochester, Inc.

(2) COUNTY- The term `County' means Pershing County, Nevada.

(3) GENERAL MINING LAW- The term 'general mining law' means the provisions of law codified in chapters 2, 12, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

(4) SECRETARY- The term 'Secretary' means the Secretary of the Interior.

SEC. 6303. LAND CONVEYANCE.

(a) Conveyance of Land- Notwithstanding any other provision of law, and not later than 90 days after the date of the enactment of this Act, the Secretary shall convey to the Claimant, in return for a payment of \$500 per acre, all right, title, and interest, subject to the terms and conditions of subsection (c), in the approximately 7,000 acres of Federal lands subject to Claimant's mining claims maintained under the general mining law and depicted on the Rochester Sustainable Development Project map on file with the Committee on Resources of the House of Representatives.

(b) Exemption From Review, Etc- Any conveyance of land under this chapter is not subject to review, consultation, or approval under any other Federal law.

(c) Terms and Conditions of Conveyance-

(1) NO IMPACT ON LEGAL OBLIGATIONS- Conveyance of the lands pursuant to subsection (a) shall not affect Claimant's legal obligations to comply with applicable Federal mine closure or mine land reclamation laws, or with any other applicable Federal or State requirement relating to closure of the Rochester Mine and use of the land comprising such mine, including any requirement to prepare any environmental impact statement under the National Environmental Policy Act of 1969. Federal reclamation and closure obligations shall not be construed to require removal of infrastructure identified by Claimant as being usable by a post-mining land use.

(2) TITLE TO MATERIALS AND MINERALS- Notwithstanding any other provision of law, Claimant shall own and have title to all spent ore, waste rock and tailings, and other materials located on lands conveyed pursuant to subsection (a).

(3) VALID EXISTING RIGHTS- All lands conveyed pursuant to subsection (a) shall be subject to valid existing rights existing as of the date of transfer of title, and Claimant shall succeed to the rights and obligations of the United States with respect to any mining claim, mill site claim, lease, right-of-way, permit, or other valid existing right to which the property is subject.

(4) ENVIRONMENTAL LIABILITY- Notwithstanding any other Federal, State or local law, the United States shall not be responsible for--

(A) investigating or disclosing the condition of any property to be conveyed under this chapter; and

(B) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this chapter with respect to conditions existing at or on the land at the time of the conveyance.

SEC. 6304. DISPOSITION OF PROCEEDS.

The gross proceeds of conveyances of land under this chapter shall be used as follows:

(1) Such sums as are necessary shall be used to cover 100 percent of the administrative costs, not to exceed \$20,000, incurred by the Nevada State Office and the Winnemucca Field Office of the Bureau of Land Management in conducting the conveyance under this chapter.

(2) \$500,000 shall be paid directly to the State of Nevada for use in the State's abandoned mined land program.

(3) \$100,000 shall be paid directly to Pershing County, Nevada.

(4) Proceeds remaining after the payments pursuant to paragraphs (1) through (3) shall be deposited in the general fund of the Treasury.

CHAPTER 2--DISPOSAL OF CERTAIN PUBLIC LANDS IN IDAHO. *This one is of great interest to the Western Watersheds project because this quarry, currently on BLM lands and in violation of their permit, is impinging on the private Greenfire Preserve in central Idaho on the East Fork of the Salmon River (so much for Pombo's fabled devotion to private property rights).*

SEC. 6311. SHORT TITLE.

This chapter may be cited as the 'Central Idaho Sustainable Development in Mining Act'.

SEC. 6312. DEFINITIONS.

In this chapter:

(1) CLAIMANT- The term 'Claimant' means TDS LLC, an affiliated company of L&W Stone Corporation.

(2) COUNTY- The term 'County' means Custer County, Idaho.

(3) GENERAL MINING LAW- The term 'general mining law' means the provisions of law codified in chapters 2, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

(4) SECRETARY- The term 'Secretary' means the Secretary of the Interior.

SEC. 6313. LAND CONVEYANCE.

(a) Conveyance of Land- Notwithstanding any other provision of law, and not later than 90 days after the date of the enactment of this Act, the Secretary shall convey to the Claimant, in return for a payment of \$1,000 per acre, all right, title, and interest, subject to the terms and conditions of subsection (c), in the approximately 519.7 acres of Federal lands subject to Claimant's mining claims maintained under the general mining law and depicted as 'proposed land exchange alignment' on the Central Idaho Sustainable Development Project map on file with the Committee on Resources of the House of Representatives.

(b) Exemption From Review, Etc- Any conveyance of land under this chapter is not subject to review, consultation, or approval under any other Federal law. *This is because the federal district judge has issued a partial injunction on their current illegal operations.*

(c) Terms and Conditions of Conveyance-

(1) TRANSFER OF FEE TITLE IN FEDERAL LANDS- Notwithstanding any other provision of law, full fee title in approximately 519.7 acres of Federal lands described in subsection (a) shall be transferred to Claimant as depicted as 'proposed land exchange alignment' on the Central Idaho Sustainable Development Project map.

(2) VALID EXISTING RIGHTS- All lands conveyed pursuant to subsection (a) shall be subject to valid existing rights existing as of the date of transfer of title, and Claimant shall succeed to the rights and obligations of the United States with respect to any mining claim, mill site claim, lease, right-of-way, permit, or other valid existing right to which the property is subject.

(3) ENVIRONMENTAL LIABILITY- Notwithstanding any other Federal, State, or local law, the United States shall not be responsible for--

(A) investigating or disclosing the condition of any property to be conveyed under this chapter; and

(B) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this chapter with respect to conditions existing at or on the land at the time of the conveyance.

SEC. 6314. DISPOSITION OF PROCEEDS.

Within one year of the completion of the conveyance under this chapter, the gross proceeds of the conveyance shall be used as follows:

(1) Such sums as are necessary shall be used to cover 100 percent of the administrative costs, not to exceed \$15,000, incurred by the Idaho State Office and the Challis Field Office of

the Bureau of Land Management in conducting conveyances under this chapter.

(2) \$200,000 shall be paid directly to the State of Idaho for use in the State Parks program.

(3) \$200,000 shall be paid directly to Custer County, Idaho.

(4) Proceeds remaining after the payments pursuant to paragraphs (1) through (3) shall be deposited in the general fund of the Treasury.

Subtitle D--Oil Shale