

103^D CONGRESS
1ST SESSION

H. R. 240

IN THE SENATE OF THE UNITED STATES

MAY 13 (legislative day, APRIL 19), 1993

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the protection of the Bodie Bowl area of
the State of California, 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 “Bodie Protection Act
5 of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the historic Bodie gold mining district in
9 the State of California is the site of the largest and
10 best preserved authentic ghost town in the western
11 United States;

1 (2) the Bodie Bowl area contains important
2 natural, historical, and aesthetic resources;

3 (3) Bodie was designated a National Historical
4 Landmark in 1961 and a California State Historic
5 Park in 1962, is listed on the National Register of
6 Historic Places, and is included in the Federal His-
7 toric American Buildings Survey;

8 (4) nearly 200,000 persons visit Bodie each
9 year, providing the local economy with important an-
10 nual tourism revenues;

11 (5) the town of Bodie is threatened by propos-
12 als to explore and extract minerals: mining in the
13 Bodie Bowl area may have adverse physical and aes-
14 thetic impacts on Bodie's historical integrity, cul-
15 tural values, and ghosttown character as well as on
16 its recreational values and the area's flora and
17 fauna;

18 (6) the California State Legislature, on Septem-
19 ber 4, 1990, requested the President and the Con-
20 gress to direct the Secretary of the Interior to pro-
21 tect the ghosttown character, ambience, historic
22 buildings, and scenic attributes of the town of Bodie
23 and nearby areas;

24 (7) the California State Legislature also re-
25 quested the Secretary, if necessary to protect the

1 Bodie Bowl area, to withdraw the Federal lands
2 within the area from all forms of mineral entry and
3 patent;

4 (8) the National Park Service listed Bodie as a
5 priority one endangered National Historic Landmark
6 in its fiscal year 1990 and 1991 report to Congress
7 entitled “Threatened and Damaged National His-
8 toric Landmarks” and recommended protection of
9 the Bodie area; and

10 (9) it is necessary and appropriate to provide
11 that all Federal lands within the Bodie Bowl area
12 are not subject to location, entry, and patent under
13 the mining laws of the United States, subject to
14 valid existing rights, and to direct the Secretary to
15 consult with the Governor of the State of California
16 before approving any mining activity plan within the
17 Bodie Bowl.

18 **SEC. 3. DEFINITIONS.**

19 For purposes of this Act:

20 (1) The term “Bodie Bowl” means the Federal
21 lands and interests in lands within the area gen-
22 erally depicted on the map referred to in section
23 4(a).

24 (2) The term “mineral activities” means any
25 activity involving mineral prospecting, exploration,

1 extraction, milling, beneficiation, processing, and
2 reclamation.

3 (3) The term “Secretary” means the Secretary
4 of the Interior.

5 **SEC. 4. APPLICABILITY OF MINERAL MINING, LEASING AND**
6 **DISPOSAL LAWS.**

7 (a) RESTRICTION.—Subject to valid existing rights,
8 after the date of enactment of this Act Federal lands and
9 interests in lands within the area generally depicted on
10 the map entitled “Bodie Bowl” and dated June 12, 1992,
11 shall not be—

12 (1) open to the entry or location of mining and
13 mill site claims under the general mining laws of the
14 United States;

15 (2) subject to any lease under the Mineral
16 Leasing Act (30 U.S.C. 181 and following) or the
17 Geothermal Steam Act of 1970 (30 U.S.C. 100 and
18 following), for lands within the Bodie Bowl; and

19 (3) available for disposal of mineral materials
20 under the Act of July 31, 1947, commonly known as
21 the Materials Act of 1947 (30 U.S.C. 601 and fol-
22 lowing).

23 Such map shall be on file and available for public inspec-
24 tion in the Office of the Secretary, and appropriate offices
25 of the Bureau of Land Management and the National

1 Park Service. As soon as practicable after the date of en-
2 actment of this Act, the Secretary shall publish a legal
3 description of the Bodie Bowl area in the Federal
4 Register.

5 (b) VALID EXISTING RIGHTS.—As used in this sub-
6 section, the term “valid existing rights” in reference to
7 the general mining laws means that a mining claim located
8 on lands within the Bodie Bowl was properly located and
9 maintained under the general mining laws prior to the
10 date of enactment of this Act, was supported by a discov-
11 ery of a valuable mineral deposit within the meaning of
12 the general mining laws on the date of enactment of this
13 Act, and that such claim continues to be valid.

14 (c) VALIDITY REVIEW.—The Secretary shall under-
15 take an expedited program to determine the validity of all
16 unpatented mining claims located within the Bodie Bowl.
17 The expedited program shall include an examination of all
18 unpatented mining claims, including those for which a pat-
19 ent application has not been filed. If a claim is determined
20 to be invalid, the Secretary shall promptly declare the
21 claim to be null and void, except that the Secretary shall
22 not challenge the validity of any claim located within the
23 Bodie Bowl for the failure to do assessment work for any
24 period after the date of enactment of this Act. The Sec-
25 retary shall make a determination with respect to the va-

1 lidity of each claim referred to under this subsection with-
2 in 2 years after the date of enactment of this Act.

3 (d) LIMITATION ON PATENT ISSUANCE.—

4 (1) MINING CLAIMS.—(A) After January 11,
5 1993, no patent shall be issued by the United States
6 for any mining claim located under the general min-
7 ing laws within the Bodie Bowl unless the Secretary
8 determines that, for the claim concerned—

9 (i) a patent application was filed with the
10 Secretary on or before such date; and

11 (ii) all requirements established under sec-
12 tions 2325 and 2326 of the Revised Statutes
13 (30 U.S.C. 29 and 30) for vein or lode claims
14 and sections 2329, 2330, 2331, and 2333 of
15 the Revised Statutes (30 U.S.C. 35, 36, 37) for
16 placer claims were fully complied with by that
17 date.

18 (B) If the Secretary makes the determinations
19 referred to in subparagraph (A) for any mining
20 claim, the holder of the claim shall be entitled to the
21 issuance of a patent in the same manner and degree
22 to which such claim holder would have been entitled
23 to prior to the enactment of this Act, unless and
24 until such determinations are withdrawn or invali-

1 dated by the Secretary or by a court of the United
2 States.

3 (2) MILL SITE CLAIMS.—(A) After January 11,
4 1993, no patent shall be issued by the United States
5 for any mill site claim located under the general
6 mining laws within the Bodie Bowl unless the Sec-
7 retary determines that, for the claim concerned—

8 (i) a patent application was filed with the
9 Secretary on or before January 11, 1993; and

10 (ii) all requirements applicable to such pat-
11 ent application were fully complied with by that
12 date.

13 (B) If the Secretary makes the determinations
14 referred to in subparagraph (A) for any mill site
15 claim, the holder of the claim shall be entitled to the
16 issuance of a patent in the same manner and degree
17 to which such claim holder would have been entitled
18 to prior to the enactment of this Act, unless and
19 until such determinations are withdrawn or invali-
20 dated by the Secretary or by a court of the United
21 States.

22 **SEC. 5. MINERAL ACTIVITIES.**

23 (a) IN GENERAL.—Notwithstanding the last sentence
24 of section 302(b) of the Federal Land Policy and Manage-
25 ment Act of 1976, and in accordance with this Act and

1 other applicable law, the Secretary shall require that min-
2 eral activities be conducted in the Bodie Bowl so as to—

3 (1) avoid adverse effects on the historic, cul-
4 tural, recreational and natural resource values of the
5 Bodie Bowl; and

6 (2) minimize other adverse impacts to the envi-
7 ronment.

8 (b) RESTORATION OF EFFECTS OF MINING EXPLO-
9 RATION.—As soon as possible after the date of enactment
10 of this Act, visible evidence or other effects of mining ex-
11 ploration activity within the Bodie Bowl conducted on or
12 after September 1, 1988, shall be reclaimed by the opera-
13 tor in accordance with regulations prescribed pursuant to
14 subsection (d).

15 (c) ANNUAL EXPENDITURES; FILING.—The require-
16 ments for annual expenditures on unpatented mining
17 claims imposed by Revised Statute 2324 (30 U.S.C. 28)
18 shall not apply to any such claim located within the Bodie
19 Bowl. In lieu of filing the affidavit of assessment work
20 referred to under section 314(a)(1) of the Federal Land
21 Policy and Management Act of 1976 (43 U.S.C.
22 1744(a)(1)), the holder of any unpatented mining or mill
23 site claim located within the Bodie Bowl shall only be re-
24 quired to file the notice of intention to hold the mining
25 claim referred to in such section 314(a)(1).

1 (d) REGULATIONS.—The Secretary shall promulgate
2 rules to implement this section, in consultation with the
3 Governor of the State of California, within 180 days after
4 the date of enactment of this Act. Such rules shall be no
5 less stringent than the rules promulgated pursuant to the
6 Act of September 28, 1976 entitled “An Act to provide
7 for the regulation of mining activity within, and to repeal
8 the application of mining laws to, areas of the National
9 Park System, and for other purposes” (Public Law 94–
10 429; 16 U.S.C. 1901–1912).

11 **SEC. 6. STUDY.**

12 Beginning as soon as possible after the date of enact-
13 ment of this Act, the Secretary of the Interior shall review
14 possible actions to preserve the scenic character, historical
15 integrity, cultural and recreational values, flora and fauna,
16 and ghost town characteristics of lands and structures
17 within the Bodie Bowl. No later than 3 years after the
18 date of such enactment, the Secretary shall submit to the
19 Committee on Natural Resources of the United States
20 House of Representatives and the Committee on Energy
21 and Natural Resources of the United States Senate a re-
22 port that discusses the results of such review and makes
23 recommendations as to which steps (including but not lim-

- 1 ited to acquisition of lands or valid mining claims) should
- 2 be undertaken in order to achieve these objectives.

Passed the House of Representatives May 11, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.