

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2510

To authorize the Secretary of Agriculture to accept the donation of certain lands previously disposed of from the public domain, together with certain mineral rights on federal land, in the Mineral Hill-Crevise Mountain Mining District in the State of Montana, to be returned to the United States for management as part of the national public lands and forests, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 14 (legislative day, MAY 9), 2002

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To authorize the Secretary of Agriculture to accept the donation of certain lands previously disposed of from the public domain, together with certain mineral rights on federal land, in the Mineral Hill-Crevise Mountain Mining District in the State of Montana, to be returned to the United States for management as part of the national public lands and forests, 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. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Congress finds that:

1           (1) The Mineral Hill Mine, located north of  
2           Yellowstone National Park in the Gallatin National  
3           Forest, possesses outstanding natural characteris-  
4           tics, wildlife habitat, and historic and educational  
5           values that would make the land a valuable addition  
6           if returned to the nation's public lands and forests.

7           (2) The mining industry in the State of Mon-  
8           tana played an important role in the settlement and  
9           development in the western United States.

10          (3) To understand the present and future devel-  
11          opment of natural resources in the United States, it  
12          is necessary to study the history of the mining in-  
13          dustry.

14          (4) The Jardine Historic Mining District, lo-  
15          cated in the Mineral Hill-Crevice Mountain Mining  
16          District, includes historically significant structures  
17          that should be retained, restored, maintained, man-  
18          aged, and interpreted.

19          (5) TVX Mineral Hill, Inc., the owner of the  
20          Mineral Hill Mine, has offered to donate to the Sec-  
21          retary of Agriculture all right, title, and interest of  
22          the company in and to the mine.

23          (6) The Secretary of Agriculture should—

24                 (A) accept the donation of the Mineral Hill  
25          Mine to maintain and preserve the Jardine His-

1           toric Mining District and the associated mine  
2           site for the benefit, use, and education of  
3           present and future generations; and

4                   (B) manage and protect the natural char-  
5           acteristics and wildlife habitats on the donated  
6           land, consistent with the management by the  
7           Secretary of Agriculture of adjoining land in  
8           the Gallatin National Forest, established from  
9           the public domain.

10       (b) PURPOSES.—The purposes of this Act are—

11           (1) to authorize the Secretary of Agriculture to  
12           accept the donation of certain land located within  
13           the boundaries of the Gallatin National Forest;

14           (2) to provide for the management and mainte-  
15           nance of the donated land and associated structures  
16           for the benefit, use, and education of present and fu-  
17           ture generations; and

18           (3) to promote cooperation between the Sec-  
19           retary of Agriculture, Montana Tech of the Univer-  
20           sity of Montana, and other public and private enti-  
21           ties for the purpose of providing interpretive, edu-  
22           cational, and other services relating to the donated  
23           land.

1 **SEC. 2. SHORT TITLE.**

2 The Act may be cited as the “Mineral Hill Historic  
3 Mining District Preservation Act of 2002”.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **AGREEMENT.**—The term “Agreement”  
7 means the document entitled “Donation Agreement  
8 between TVX Mineral Hill, Inc., and the United  
9 States Department of Agriculture, Forest Service,”  
10 including any associated maps or exhibits.

11 (2) **COMPANY.**—

12 (A) **IN GENERAL.**—The term “company”  
13 means TVX Mineral Hill, Inc., a company in-  
14 corporated under the laws of the State of Min-  
15 nesota.

16 (B) **INCLUSIONS.**—The term “company”  
17 includes any successors and assigns of the com-  
18 pany; and any other entity that has an interest  
19 in the donated land.

20 (3) **DONATED LAND.**—The term “donated  
21 land” means the non-Federal land and associated  
22 mineral rights on Federal land—

23 (A) located in the Gallatin National Forest  
24 in an area known as the “Mineral Hill-Crevice  
25 Mountain Mining District,” Park County, Mon-  
26 tana; and

1 (B) consisting of approximately 570 acres  
2 of non-Federal land (including mineral rights,  
3 structures, improvements, and appurtenances),  
4 and approximately 194 acres of mineral rights  
5 on Federal land.

6 (4) FOREST PLAN.—The term “Forest Plan”  
7 means the plan entitled the “Gallatin National For-  
8 est Land and Resource Management Plan.”

9 (5) FUND.—The term “Fund” means the Min-  
10 eral Hill Historic Mining District Fund established  
11 by section 7(a).

12 (6) MAP.—The term “map” means the map en-  
13 titled “Mineral Hill Donation—April, 2001.”

14 (7) SECRETARY.—The term “Secretary” means  
15 the Secretary of Agriculture.

16 **SEC. 4. RATIFICATION OF THE AGREEMENT.**

17 (a) RATIFICATION.—All terms, conditions, proce-  
18 dures, covenants, reservations, and other provisions de-  
19 scribed in the Agreement, as a matter of Federal law—

20 (1) are incorporated in this Act;

21 (2) are ratified and confirmed; and

22 (3) describe the rights and obligations of the  
23 Secretary and the company.

24 (b) CHANGES.—The Secretary or the company may  
25 modify or amend the Agreement if—

1           (1) the Secretary and the company agree to the  
2           modification or amendment; and

3           (2) the Secretary provides to the Committee on  
4           Resources of the House of Representatives and the  
5           Committee on Energy and Natural Resources of the  
6           Senate written notice of the modification or amend-  
7           ment.

8   **SEC. 5. ACCEPTANCE OF DONATED LAND.**

9           (a) IN GENERAL.—If the Secretary determines that  
10          the conditions under subsection (c) have been satisfied, the  
11          Secretary may accept all right, title, and interest in and  
12          to the donated land, as depicted on the map.

13          (b) MAP.—

14               (1) AVAILABILITY.—The map shall be on file  
15               and available for public inspection in—

16                       (A) the Office of the Chief of the Forest  
17                       Service; and

18                       (B) the office of the Forest Supervisor,  
19                       Gallatin National Forest, Bozeman, Montana.

20               (2) CONFLICT.—In the case of any conflict be-  
21               tween the map, legal description, and deed of con-  
22               veyance, the legal description shall control.

23               (c) CONDITIONS.—Before accepting title to the do-  
24               nated land under subsection (a), the Secretary shall—

25                       (1) find—

1 (A) that the title to each parcel of donated  
2 land is acceptable and in conformity with the  
3 title review standards of the Attorney General  
4 or that the company has taken any corrective  
5 actions with regard to the title that the Sec-  
6 retary requires;

7 (B) that any boundary overlaps and en-  
8 croachments on the donated land have been re-  
9 solved by the company;

10 (C) that the plan to reclaim the property  
11 has been successfully completed in accordance  
12 with the Agreement, except for post-reclamation  
13 monitoring, operation, and maintenance; and

14 (D) that the company has obtained pollu-  
15 tion liability insurance on the donated land—

16 (i) of at least \$10,000,000 in cov-  
17 erage;

18 (ii) that is in effect until September 8,  
19 2012;

20 (iii) that names the Secretary as an  
21 additional insured;

22 (iv) that has a deductible not greater  
23 than \$1,000,000; and

24 (v) that is otherwise satisfactory to  
25 the Secretary.

1           (2) approve the form and substance of all docu-  
2           ments associated with the conveyance of the donated  
3           land.

4           (d) PERMITS.—On acceptance of the donated land  
5           under subsection (a), the Secretary shall accept and meet  
6           the requirements of permits that—

7           (1) have been issued to the company;

8           (2) are in effect as of the date of the accept-  
9           ance; and

10          (3) relate to the Mineral Hill Mine.

11          (e) RECORDATION.—Not later than 60 days after the  
12          date of acceptance under subsection (a), the Secretary  
13          shall record the warranty deeds transferring title to the  
14          donated land to the Secretary.

15          (f) LIABILITY.—Except as provided under subsection  
16          (d), acceptance of the donated land by the Secretary under  
17          this section does not relieve the company of any liability  
18          or responsibility relating to the company's ownership of  
19          mining operations or other operations on the donated land.

20       **SEC. 6. ADMINISTRATION.**

21          (a) IN GENERAL.—The Secretary shall manage the  
22          donated land as part of the National Forest System.

23          (b) APPLICABLE LAW.—

24               (1) IN GENERAL.—Except as provided in para-  
25               graph (2), the donated land shall be subject to laws



1 (including regulations) applicable to the National  
2 Forest System.

3 (2) EXCEPTION.—The donated land shall not  
4 be subject to location and entry under the mining  
5 laws of the United States.

6 (c) LAND MANAGEMENT PLANNING.—The Secretary  
7 shall manage the donated land—

8 (1) until the date on which the Secretary ap-  
9 proves a revised version of the Forest Plan that ad-  
10 dresses the addition of the donated land—

11 (A) in accordance with the Forest Plan in  
12 effect on the date of enactment of this Act; and

13 (B) consistent with the management of  
14 National Forest System land that is adjacent to  
15 the donated land; and

16 (2) after the date on which the revised Forest  
17 Plan is approved under paragraph (1), in accordance  
18 with the revised Forest Plan.

19 (d) DONATIONS.—The Secretary may solicit and ac-  
20 cept donations from public and private agencies, edu-  
21 cational institutions, corporations, organizations, and indi-  
22 viduals for the purpose of carrying out this Act.

23 (e) BUILDINGS, STRUCTURES, AND OTHER FEA-  
24 TURES.—

1           (1) IN GENERAL.—The Secretary may retain,  
2           restore, maintain, manage, and interpret buildings,  
3           structures, and other features on the donated land  
4           in existence on the date of enactment of this Act in  
5           accordance with—

6                   (A) applicable law; and

7                   (B) as the Secretary determines to be ap-  
8           propriate, the study entitled “Architectural As-  
9           sessment Recommendations & Costs of Historic  
10          Structures: Mineral Hill Mine, Jardine, Mon-  
11          tana,” dated October 2000 and revised January  
12          2001, and prepared by A&E Architects, P.C., of  
13          Missoula, Montana.

14          (2) REMOVAL.—

15                 (A) IN GENERAL.—The Secretary may re-  
16                 move any building, structure, or other feature  
17                 on the donated land that is not selected for re-  
18                 tention, restoration, maintenance, management,  
19                 or interpretation under paragraph (1).

20                 (B) OTHER LAWS NOT APPLICABLE.—In  
21                 removing a building, structure, or other feature  
22                 under subparagraph (A), the Secretary shall  
23                 not be required to conduct any assessments in  
24                 addition to the study under paragraph (1)(B),

1 nor to comply with any other law (including  
2 regulations).

3 (3) EFFECT.—Nothing in this subsection re-  
4 stricts the authority of the Secretary to manage or  
5 dispose of Federal property.

6 (f) CEMETERY SITE.—

7 (1) IN GENERAL.—The Secretary shall allow ac-  
8 cess to the cemetery located on the donated land for  
9 the purposes of visitation, upkeep, and maintenance.

10 (2) NEW BURIALS.—The Secretary, or a unit of  
11 local government or cemetery association to which  
12 the cemetery site is conveyed under paragraph (3),  
13 shall not allow any burials at the cemetery site after  
14 the date of enactment of this Act.

15 (3) CONVEYANCE.—The Secretary may convey  
16 to a unit of local government or cemetery association  
17 the cemetery site, without consideration and subject  
18 to any terms and conditions that the Secretary may  
19 require, for perpetual operation and maintenance of  
20 the site as a cemetery.

21 **SEC. 7. MINERAL HILL HISTORIC MINING DISTRICT FUND.**

22 (a) ESTABLISHMENT.—There is established in the  
23 Treasury of the United States an account to be known  
24 as the “Mineral Hill Historic Mining District Fund,” con-  
25 sisting of—

1           (1) such amounts as are appropriated to the  
2 Fund under subsection (b);

3           (2) such amounts as are appropriated to the  
4 Fund under section 8; and

5           (3) any interest earned on investment of  
6 amounts in the Fund under subsection (d).

7 (b) TRANSFERS TO FUND.—

8           (1) NATURAL RESOURCES RECEIPTS.—Notwith-  
9 standing any other provision of law, there are appro-  
10 priated to the Fund from amounts collected by the  
11 Secretary of the Interior as fees and receipts from  
12 oil, gas, timber, coal, and other natural resources on  
13 all Federal land—

14                   (A) \$4,115,000 for fiscal year 2003; and

15                   (B) \$365,000 for fiscal year 2004 and  
16 each fiscal year thereafter, adjusted annually to  
17 reflect changes in the Consumer Price Index for  
18 All Urban Consumers published by the Depart-  
19 ment of Labor.

20           (2) DONATIONS.—There are appropriated to  
21 the Fund amounts equivalent to amounts received by  
22 the Treasury under section 6(d).

23 (c) EXPENDITURES FROM FUND.—

24           (1) IN GENERAL.—Subject to paragraph (2), on  
25 request by the Secretary, without further appropria-

1       tion, the Secretary of the Treasury shall transfer  
2       from the Fund to the Secretary such amounts as the  
3       Secretary determines are necessary to pay—

4               (A) sums expended by the Secretary asso-  
5               ciated with acquiring the donated land under  
6               section 5;

7               (B) the costs of retention, restoration,  
8               maintenance, management, interpretation, or  
9               removal of buildings, structures, and other fea-  
10              tures on the donated land under section 6(e);

11              (C) the costs of response and restoration  
12              actions on the donated land, including costs as-  
13              sociated with compliance with the substantive  
14              requirements of the post-closure monitoring  
15              plan, and operation and maintenance activities  
16              relating to the donated land, as determined to  
17              be appropriate by the Secretary;

18              (D) the costs of public education and inter-  
19              pretation of the history and geology of the do-  
20              nated land conducted in cooperation with Mon-  
21              tana Tech of the University of Montana, includ-  
22              ing interpretation of the mining industry and  
23              community life associated with the donated  
24              land;

1 (E) the costs of grants to, contracts with,  
2 and cooperative agreements with units of Fed-  
3 eral, State, or local government, educational in-  
4 stitutions, corporations, organizations, and indi-  
5 viduals for interpretative, administrative, envi-  
6 ronmental response, and environmental restora-  
7 tion activities; and

8 (F) the insurance deductible under section  
9 5(c)(1)(D)(iv).

10 (2) ADMINISTRATIVE EXPENSES.—An amount  
11 not exceeding 10 percent of the amounts in the  
12 Fund shall be available in each fiscal year to pay the  
13 administrative expenses necessary to carry out this  
14 Act.

15 (d) INVESTMENT OF AMOUNTS IN FUND.—

16 (1) IN GENERAL.—The Secretary of the Treas-  
17 ury shall invest such portion of the Fund that is not,  
18 in the judgment of the Secretary of the Treasury,  
19 required to meet current withdrawals. Investments  
20 may be made only in interest-bearing obligations of  
21 the United States.

22 (2) ACQUISITION OF OBLIGATIONS.—For the  
23 purpose of investments under paragraph (1), obliga-  
24 tions may be acquired—

25 (A) on original issue at the issue price; or

1 (B) by purchase of outstanding obligations  
2 at the market price.

3 (3) SALE OF OBLIGATIONS.—Any obligation ac-  
4 quired by the Fund may be sold by the Secretary of  
5 the Treasury at the market price.

6 (4) CREDITS TO FUND.—The interest on, and  
7 the proceeds from the sale or redemption of, any ob-  
8 ligations held in the Fund shall be credited to and  
9 form a part of the Fund.

10 (e) TRANSFERS OF AMOUNTS.—

11 (1) IN GENERAL.—The amounts required to be  
12 transferred to the Fund under this section shall be  
13 transferred at least monthly from the general fund  
14 of the Treasury to the Fund on the basis of esti-  
15 mates made by the Secretary of the Treasury.

16 (2) ADJUSTMENTS.—Proper adjustment shall  
17 be made in amounts subsequently transferred to the  
18 extent prior estimates were in excess of or less than  
19 the amounts required to be transferred.

20 (f) NO DEFERRAL OR RESCISSION.—Amounts depos-  
21 ited in the Fund under this section shall not be subject  
22 to deferral or rescission under the Budget Impoundment  
23 and Control Act of 1974 (2 U.S.C. 621 et seq.)

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.

○