

AMENDMENT NO. 1970 Calendar No. **442**

Purpose: To provide interim protection of unpatented mining claims, to clarify the system of disposing of hardrock minerals in certain areas, and to make other changes regarding the location and operation under the United States mining laws and mineral exploration within conservation system units.

IN THE SENATE OF THE UNITED STATES—96th Cong., 2d Sess.

H.R. 39

To provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

August 6 (legislative day, June 12), 1980

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. GRAVEL

Viz:

1 Page 454, lines 20–21, strike the words “section 10 of
2 the Act of August 4, 1939, as amended (43 U.S.C. 387), and
3 insert in lieu thereof the following: “The Act of August 7,
4 1947 (30 U.S.C. 351–359) (which shall apply to public lands,
5 as defined by this Act),”.

6 Page 633, line 1, following the word “by”, strike re-
7 mainder of line 1 and insert in lieu thereof the following: “the

1 Act of August 7, 1947 (30 U.S.C. 351-359) (which shall
2 apply to public lands, as defined by this Act), and he may”.

3 Page 633, strike line 2.

4 Page 588, line 1, strike the words “be given by the
5 Secretary” and insert in lieu thereof the following: “have”.

6 Page 588, after line 7 add the following new subsection:

7 “(c) ACCESS TO CLAIMS.—Pursuant to the provisions
8 of this section, reasonable access shall be granted to an un-
9 perfected mining claim for purposes of making a valid discov-
10 ery of mineral until September 30, 1984.”.

11 In title XIII, add the following new section where
12 appropriate:

13 “SEC. . PREFERENCE RIGHTS FOR MINING
14 CLAIMS.—The holder of any unperfected mining claim which
15 was, prior to November 16, 1978, located, recorded, and
16 maintained in accordance with applicable Federal and State
17 laws and on public lands located within the boundaries of any
18 unit established by this Act, or within any area added by this
19 Act to an existing unit, shall be entitled during a two-year
20 period after the date that the Secretary exercises his author-
21 ity to open an area containing such claim to mining, (1) to a
22 preference right to re-record and develop his claim under ap-
23 plicable law or (2) to obtain a lease to remove nonleasable
24 minerals from the claim under sections 606 or 1312.”.

25 Page 414, line 23, add the following new subsection:

1 “(e) LEASES FOR MINERAL MILLING PURPOSES.—If
2 the surface estate of lands comprising claims for which pat-
3 ents have been issued or which have been determined to con-
4 tain a valid mineral discovery pursuant to the terms of this
5 Act is inadequate for the purposes of extraction or milling of
6 the mineral estate, the Secretary shall issue leases for other
7 adjacent public lands at fair market value for mining or mill-
8 ing uses in connection with the extraction or milling of min-
9 erals from the claims.”. Renumber the following subsections
10 accordingly.

11 Page 412, line 7, after the word “areas” insert the fol-
12 lowing: “or other conservation system unit”.

13 Page 412, lines 10 through 12, strike “the date of the
14 withdrawal of such area from further appropriation under the
15 mining laws of the United States” and insert in lieu thereof
16 the following: “November 16, 1978.”.

17 Page 412, line 20, strike “during the 1979 mining
18 season.” and insert a period after the phrase “rior”.

19 Page 412, line 21, strike “1982” and insert in lieu
20 thereof “1984”.

21 Page 413, line 7, strike the word “scenic”.

22 Page 413, line 24, after the word “mining” insert the
23 following: “or milling”.

24 Page 414, line 8, strike “1982” and insert in lieu there-
25 of “1984”.

1 Page 414, line 10, strike "1982" and insert in lieu
2 thereof "1984".

3 Page 414, line 12, strike "1982" and insert in lieu
4 thereof "1984".

5 Page 414, line 13, strike "one hundred and eighty" and
6 insert in lieu thereof the following: "two hundred and forty".

7 Page 414, line 17, strike "one-" and on line 18, strike
8 "hundred-and-eighty" and insert in lieu thereof "two-hun-
9 dred-and-forty".

10 Page 415, line 3, strike "1982" and insert in lieu there-
11 of "1984".

12 Page 415, lines 4 through 16, delete entire subsection
13 (f).

14 Page 383, line 4, strike "and minerals" and insert
15 the following: "and the value and national significant of
16 minerals".

17 Page 383, line 11, after the word "properties," add the
18 following: "the impact on domestic mineral reserves of not
19 developing such properties,".

20 Page 383, line 18, strike the ";" after the word "envi-
21 ronment" and insert in lieu thereof ":",.

22 Page 383, strike lines 19 through 25.

23 Page 384, strike lines 1 through 2.

24 Page 388, after line 25, after the word "Corporations"
25 strike the period and insert in lieu thereof the following: " ,

1 *Provided*, That the Secretary under such reasonable regula-
2 tions as he deems appropriate, may permit the removal of
3 nonleasable minerals from these lands in a manner prescribed
4 by the Act of August 7, 1947 (30 U.S.C. 351-359) (which
5 shall apply to public lands, as defined by this Act)".

6 Page 410, line 24, strike "may" and insert in lieu
7 thereof "shall".

8 Page 411, line 1, after the word "and" insert the word
9 "shall".

10 Page 411, line 8, strike the word "scenic".

11 Page 411, line 12, after the word "mining" insert the
12 following: "or milling".

13 Page 418, lines 22-24, strike the words "section 10 of
14 the Act of August 4, 1939, as amended (53 Stat. 1196; 43
15 U.S.C. 387) and insert in lieu thereof the following: "the Act
16 of August 7, 1947 (30 U.S.C. 351-359) (which shall apply to
17 public lands, as defined by this Act)".

18 Page 418, lines 16 and 17, strike "the Porcupine Na-
19 tional Forest and".

20 Page 425, lines 4 and 5, strike "(B) that the use of the
21 site to be leased will not cause irreparable harm to the Monu-
22 ment; and" and renumber the subsections accordingly.

23 Page 425, lines 20-22, strike subsection (B) and insert
24 in lieu thereof the following:

1 “(B) upon failure of the lessee to use the leased
2 site for three consecutive years unless such nonuse is
3 waived annually by the Secretary.”.

4 Page 427, lines 12 and 13, strike the lines and insert in
5 lieu thereof the following:

6 “(B) the unperfected claim is within one mile
7 of the exterior boundary of one”.

8 Page 428, lines 1 and 2, strike the lines and insert in
9 lieu thereof the following:

10 “(2)(A) each exploration permit issued under this
11 section shall terminate on the date seven years after
12 the”.

13 Page 428, line 11, strike “five-” and insert in lieu
14 thereof “seven-”.

15 Page 430, lines 17 and 18, strike “(A) that the use of
16 the site to be leased will not cause irreparable harm to the
17 Monument; and,” and renumber the subsections accordingly.

18 Page 431, lines 5-7, strike the lines and insert in lieu
19 thereof the following:

20 “(B) upon failure of the lessee to use the
21 leased site for three consecutive years unless such
22 nonuse is waived annually by the Secretary.”.

23 Page 566, lines 12 through 16, strike all after the word
24 “lands.” on page 12 through “monuments,” on page 16 and
25 insert in lieu thereof the following: “The mineral assessment

1 program may include, but shall not be limited to, techniques
2 such as side-looking radar imagery and, on all public lands,
3 including conservation system units,”.

4 Page 568, line 13, after “permitted.” add the additional
5 sentence: “Such study shall also include an assessment of the
6 critical and/or strategic needs of various minerals inventoried
7 by the United States.”

8 Page 632, lines 21 and 22, strike “Except with respect
9 to the Noatak National Recreation Area, the” and insert in
10 lieu thereof “The”.

11 Page 633, lines 5 through 7, strike “, if he finds that
12 such disposition would not have significant adverse effects on
13 the administration of the recreation areas.” and insert a
14 period after “laws” on line 5.

15 Page 463, line 24, strike “may” and insert in lieu
16 thereof “shall”.

17 Page 464, line 1, prior to the word “open”, insert the
18 word “shall”.

19 Page 383, line 16, strike “valid mining claims” and
20 insert in lieu thereof the following: “unperfected mining
21 claims”.

22 Page 384, line 2, add the following new subsection:

23 “(d) Holders of unperfected mining claims in the study
24 area shall be afforded access to such claims pursuant to the
25 provisions of section 1110 of this Act.”

1 and renumber the subsections of the section accordingly.
2 Page 410, lines 18 and 19, strike “the Materials Act of
3 1947, as amended (30 U.S.C. 601–603).” and insert in lieu
4 thereof the following: “the Act of August 7, 1947 (30 U.S.C.
5 351–359) (which shall apply to public lands, as defined by
6 this Act).”

7 Page 407, line 3, strike the period after “laws” and
8 insert the following: “, *Provided*, That the Secretary under
9 such reasonable regulations as he deems appropriate, may
10 permit the removal of nonleasable minerals from these lands
11 in a manner prescribed by the Act of August 7, 1947 (30
12 U.S.C. 351–359) (which shall apply to public lands, as de-
13 fined by this Act)”.

14 Page 363, between lines 2 and 3, insert the following
15 new paragraph:

16 “(d) It is further the intent and purpose of this Act to
17 assure the reasonable exploration and development of the
18 mineral resources of Alaska.”

19 Page 363, line 3, strike out “(d)” and insert in lieu
20 thereof “(c)”.

21 Page 388, strike out lines 16 through 25.

22 Page 407, line 1, immediately after the first comma
23 insert the words “but not”.

24 Page 407, line 2, strike out “but not” and insert in lieu
25 thereof “nor”.

1 Page 410, line 16, strike out “may” and insert in lieu
2 thereof “shall”.

3 Page 411, line 12, insert a period after the word “pur-
4 poses”, and strike out everything thereafter, down through
5 line 13.

6 Page 413, line 24, strike out the colon and insert in lieu
7 thereof a period, and strike out everything thereafter down
8 through line 4 on page 414.

9 Page 418, line 20, strike out everything beginning with
10 the second comma, and on line 21 strike out “deems
11 appropriate,”.

12 Page 418, line 25, beginning with the comma, strike out
13 everything down through the word “area” on line 2, page
14 419.

15 Page 420, line 16, insert a period after the word
16 “claim” and strike out everything thereafter, down through
17 line 19.

18 Page 425, strike out lines 14 through 16.

19 Page 425, line 17, strike out “(3)” and insert in lieu
20 thereof “(2)”.

21 Page 427, line 9, strike out “two hundred and seventy”
22 and insert in lieu thereof “three hundred and sixty-five”.

23 Page 428, strike out lines 15 through 17.

24 Page 429, line 6, strike out “eighteen” and insert in
25 lieu thereof “twelve”.

1 Page 429, line 21, strike out the comma and insert in
2 lieu thereof a period, and strike everything thereafter down
3 through line 24.

4 Page 430, strike out lines 22 through 24, and on page
5 431 strike out "(4)" and insert in lieu thereof "(3)".