

HR 3843

Locatable Minerals Claim Location and Maintenance Fees Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: Oct 28, 2015

Current Status: Placed on the Union Calendar, Calendar No. 556.

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Sponsor

Name: Rep. Lamborn, Doug [R-CO-5]

Party: Republican • **State:** CO • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Young, Don [R-AK-At Large]	R · AK		Jun 7, 2016
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Jun 28, 2016

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 30, 2015
Natural Resources Committee	House	Discharged from	Jun 14, 2016
Transportation and Infrastructure Committee	House	Referred to	Oct 29, 2015

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

No related bills are listed.

Locatable Minerals Claim Location and Maintenance Fees Act

TITLE I--MINING CLAIM LOCATION AND MAINTENANCE FEES

(Sec. 102) This bill requires the owner or holder of a claim (claimant), for each unpatented lode mining claim, placer claim, mill site, or tunnel site located under the general mining laws (claim), to pay the Department of the Interior a location fee of \$37 at the time the claim location notice is recorded with the Bureau of Land Management (BLM).

A claimant shall also pay Interior a claim maintenance fee of \$155 per 20.66-acre claim (or fraction of it) to maintain the claim for the following assessment year. The payment of such fee shall be in lieu of the assessment work requirement contained in the general mining laws and the related filing requirements contained in the Federal Land Policy and Management Act of 1976.

The claim maintenance fee shall be waived for a claimant who certifies in writing that on the date the payment was due the claimant:

- was the holder of not more than 10 lode claims on federal lands, or an association that held less than or equal to 320 acres; and
- has performed assessment work sufficient to maintain the claims held for the assessment year.

Interior shall charge a processing fee of \$30 for the filing of such a certification.

Claim maintenance fees shall be suspended for any claims of a claimant for an area that was once open to mineral entry and location that has subsequently been segregated or withdrawn from mineral entry and location by order of Interior or a law enacted after enactment of this bill. The fees shall remain suspended until the area is reopened to mineral entry, or the claimant has submitted a notice or permit to explore or develop his or her claims or is actively mining.

The cost recovery fees required under minerals management regulations, and any substantially similar fee charged for a mining claim validity exam, shall be waived for any claimant with claims in an area that was open to mineral entry and location at the time of claim location that has subsequently been segregated or withdrawn from mineral entry and location by order of Interior or a law enacted after this bill's enactment.

The bill states that timely payment of the location and claim maintenance fees, including payment by a claim holder who qualifies for a fee waiver and complies with the required assessment work, secures the rights of the holder of a mining claim against the federal government, both before and after the discovery of valuable mineral deposits, to use and occupy federal lands under the general mining laws for all mineral activities.

Failure to pay either a claim maintenance fee or a location fee for an unpatented mining claim shall subject the claim to forfeiture, unless within 45 days after receiving a notice of failure double the amount of the unpaid claim maintenance fee is paid.

The fees imposed under this section shall apply from September 1, 2016, to August 31, 2022.

(Sec. 103) All mining claim validity exams shall be completed by Certified Mineral Examiners and reviewed by Certified Review Mineral Examiners.

(Sec. 104) Interior may carry out mining law administration program operations through FY2022.

(Sec. 105) Mineral potential reports for areas withdrawn from mineral entry, and any mining claim validity exams on claims located within those areas, must be completed or prepared by a Certified Mineral Examiner and reviewed by a Certified Review Mineral Examiner.

(Sec. 106) The U.S. Geological Survey shall enter into separate memoranda of understanding to share data to expand the U.S. Mineral Deposit Database with the BLM, the Office of Surface Mining Reclamation and Enforcement, and the Forest Service.

TITLE II--DEPARTMENT OF THE INTERIOR INACTIVE AND ABANDONED NONCOAL MINE LANDS PROGRAM

(Sec. 202) The bill establishes in Interior an Abandoned Noncoal Mine Lands Program to:

- identify, secure, and remediate physical safety hazards and environmental hazards associated with inactive and abandoned noncoal mine lands that are on or affecting federal public lands or adjacent lands;
- maintain an inventory of the sites of such mines, affected federal public lands, and adjacent lands, including those sites that have been remediated as well as associated water resources; and
- identify the persons responsible for paying the costs to remediate such hazards.

In securing and remediating hazards, Interior shall give priority (in the following order of priority) to:

- the protection of public health, safety, and general welfare from the adverse effects of inactive and abandoned noncoal mine lands; and
- the reclamation of land and water resources degraded by the adverse effects of those mine lands.

(Sec. 203) Interior shall seek out federal agencies, state agencies, Indian tribes, nonprofit organizations, individuals, and corporations to participate as partners, including partners that are Good Samaritans (as defined in title III), to facilitate the remediation and securing of physical safety or environmental hazards.

(Sec. 204) Interior, through the BLM, and the Department of Agriculture (USDA), through the Forest Service, shall identify at least 20 priority sites (including nominations from the public) on federal land containing inactive or abandoned mine sites suitable for Good Samaritan projects under title III.

(Sec. 205) The bill authorizes appropriations for the Abandoned Noncoal Mine Lands Program through FY2020.

TITLE III--GOOD SAMARITAN REMEDIATION OF ABANDONED MINE LANDS

Good Samaritan Cleanup of Abandoned Mine Lands Act

(Sec. 303) A Good Samaritan shall be any person that did not participate in any way in the creation of, or activities that caused, any historic mine residue at an inactive or abandoned mine site, and that:

- has an ownership interest in the inactive or abandoned mine site, but is not actually or potentially liable for related remediation costs, or affiliated with any other person potentially so liable, or a successor entity to one that was actually or potentially liable for such remediation costs;
- has an ownership interest in the inactive or abandoned mine site that was acquired through the inheritance of a patented mining claim; or
- has no ownership interest in the inactive or abandoned mine site and had no such an interest at any time during or

since the creation of the historic mine residue at the site.

Under the Good Samaritan program a permitting authority (the Environmental Protection Agency [EPA] or, in the case of a state or tribal program, the lead agency) may issue a permit to a Good Samaritan for a project to improve the environment (including water quality) by carrying out remediation at or related to an inactive or abandoned mine site.

A permitting authority shall ensure that remediation carried out under a permit:

- assists in attaining applicable water quality standards, and
- does not result in water quality worse than the baseline water condition.

A permitting authority may not issue a permit for a project at or related to a mine site included on the National Priorities List developed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or a mine site at which the EPA or another federal, state, or tribal agency is taking an environmental enforcement or response action, unless the proposed project:

- is not inconsistent, and will not interfere, with any other planned remediation at the mine site that is likely to occur; and
- will accelerate environmental improvements.

The bill prescribes a procedure for the processing of an application.

A permitting authority may, upon request, authorize a person to carry out appropriate investigative sampling before submitting a permit application.

Before issuing a permit, a permitting authority shall conduct a public hearing in the vicinity of the proposed project site, giving 30-days' public notice.

A permitting authority shall issue a permit or deny a permit application:

- within 180 days after receiving a completed application, or
- by such later date as may be determined by the permitting authority with the applicant's agreement.

An application shall be considered denied if the permitting authority does not issue a permit or deny the application by the applicable date.

A permitting authority may not issue a permit if:

- the proposed project site is not a priority site, and
- an objection to the proposed permit is received from a federal land management agency with jurisdiction over it.

A permitting authority must ensure that each permit is site- and situation-specific, relying on pre-mining conditions and conditions existing as of its issuance in order to determine appropriate water quality or other environmental benchmarks to achieve in carrying out remediation.

A permitting authority shall require activities authorized by a permit to:

- begin within one year after the permit's issuance; and
- continue until completed, with temporary suspensions allowed during adverse weather or other circumstances.

A permitting authority shall require a permittee to take actions necessary to ensure baseline, remedial alternative, and postremediation monitoring of the environment.

A permitting authority may approve in a permit the conduct of project activities by cooperating persons if the cooperative arrangement will accomplish this title's purposes.

Subject to specified limitations, any person authorized by a permit to carry out activities shall:

- be deemed to be in compliance with environmental laws regarding those activities; and
- not be liable under those laws regarding those activities, including for any costs or damages deriving from the prior, present, or future activities of others at the project site.

A permitting authority may:

- extend the period during which a permit is valid; and
- modify or terminate it for cause, including misrepresentation or a violation of a permit.

A permitting authority may also, upon request by a Good Samaritan, and subject to a 30 day public notice and comment period, modify the Good Samaritan's permit to take into account any event or condition that:

- significantly reduces the feasibility or significantly increases the cost of completing the remediation work at the inactive or abandoned mine site,
- was not contemplated by the Good Samaritan or taken into account in the Good Samaritan's remediation plan, and
- is beyond the control of the Good Samaritan.

Unless the permitting authority has extended the period during which a permit is valid, the authority to carry out activities under a permit shall terminate:

- if they do not begin one year after the permit is issued,
- if they are discontinued or uncompleted by the end date specified in the permit, or
- on any other appropriate grounds.

A permit may be transferred only to another Good Samaritan and under other specified conditions.

A permit issued under the Good Samaritan program may not authorize any new mining activities other than those directly related to carrying out remediation at or related to the inactive or abandoned mine site.

(Sec. 304) States or Indian tribes may issue permits under this title if they have in effect a Good Samaritan permit program approved by the EPA.

The EPA shall approve a Good Samaritan permit program unless specified requirements have not been met, including designation of a lead agency.

Upon approval of a state or tribal Good Samaritan permit program, the EPA shall transfer all authority to issue permits for the state or relevant area of Indian country to the designated lead agency.

Approved state or tribal Good Samaritan permit programs shall be administered in accordance with this title, except that nothing in this title precludes a state or Indian tribe from imposing more stringent requirements on permit applicants or permittees.

(Sec. 305) A permitting authority may enforce any violation of this title, with respect to which it has jurisdiction, by:

- issuing an order to comply with the violated provision; or
- commencing a civil action for appropriate relief, including a permanent or temporary injunction.

Any violators of this title shall be subject to a civil penalty of up to \$5,000 per day, except where there is knowing conduct, in which case the civil penalty shall be \$32,500 per day.

(Sec. 306) Projects authorized under the Good Samaritan permit program shall be eligible for nonpoint source management program grants under the Federal Water Pollution Control Act (commonly known as the Clean Water Act).

(Sec. 307) No EPA action taken pursuant to this title shall be required to comply with requirements for the preparation of an environmental impact statement pursuant to the National Environmental Policy Act of 1969.

(Sec. 308) Any project authorized by a permit under this title shall be considered to satisfy all or part of any offsite mitigation requirement of the permittee, upon approval by the authority imposing such requirement.

(Sec. 309) No state or Indian tribe conducting remediation of an inactive or abandoned mine site pursuant to an approved state or tribal abandoned mine reclamation plan approved under the Surface Mining Control and Reclamation Act of 1977 shall, regarding remediation activities, be required to obtain a permit under the Clean Water Act.

(Sec. 311) No permitting authority may issue a permit under this title seven years after enactment of this title.

The EPA, Interior, and USDA shall enter into an arrangement with the National Academy of Sciences for the Board on Earth Sciences and Resources to study the effectiveness of the permitting activities carried out under this title.

Actions Timeline

- **Sep 6, 2016:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 114-717, Part I.
- **Sep 6, 2016:** Committee on Transportation discharged.
- **Sep 6, 2016:** Committee on Energy and Commerce discharged.
- **Sep 6, 2016:** Placed on the Union Calendar, Calendar No. 556.
- **Jun 15, 2016:** Committee Consideration and Mark-up Session Held.
- **Jun 15, 2016:** Ordered to be Reported (Amended) by Unanimous Consent.
- **Jun 14, 2016:** Subcommittee on Energy and Mineral Resources Discharged.
- **Jun 14, 2016:** Committee Consideration and Mark-up Session Held.
- **Nov 4, 2015:** Subcommittee Hearings Held.
- **Oct 30, 2015:** Referred to the Subcommittee on Environment and the Economy.
- **Oct 29, 2015:** Referred to the Subcommittee on Water Resources and Environment.
- **Oct 28, 2015:** Introduced in House
- **Oct 28, 2015:** Referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Oct 28, 2015:** Referred to the Subcommittee on Energy and Mineral Resources.