

§ 460jjj-2. Minerals and mining**(a) Limitation on patent issuance**

(1) Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for any location or claim made in the recreation area under the mining laws of the United States.

(2) Notwithstanding any statute of limitations or similar restriction otherwise applicable, any party claiming to have been deprived of any property right by enactment of paragraph (1) may file in the United States Claims Court¹ a claim against the United States within 1 year after October 12, 1993, seeking compensation for such property right. The United States Claims Court¹ shall have jurisdiction to render judgment upon any such claim in accordance with section 1491 of title 28.

(b) Withdrawal

Subject to valid existing rights, after October 12, 1993, lands within the recreation area withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) Reclamation

No mining activity involving any surface disturbance of lands or waters within such area, including disturbance through subsidence, shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(d) Mining claim validity review

The Secretary of Agriculture shall undertake and complete within 3 years after October 12, 1993, an expedited program to examine all unpatented mining claims, including those for which a patent application has been filed, within the recreation area. Upon determination by the Secretary of Agriculture that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of such claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) Public purposes

The Secretary may utilize mineral materials from within the recreation area for public purposes such as maintenance and construction of roads, trails, and facilities as long as such use is compatible with the purposes of the recreation area.

(Pub. L. 103-104, § 3, Oct. 12, 1993, 107 Stat. 1028.)

CHANGE OF NAME

References to United States Claims Court deemed to refer to United States Court of Federal Claims, see section 902(b) of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§ 460jjj-3. Adjoining lands

The Secretary may evaluate lands adjoining the recreation area for possible inclusion in the

recreation area and make recommendations to Congress, including (but not limited to) that area authorized for study by section 5 of Public Law 101-556 (104 Stat. 2764), known as the Baca Location Number 1. The Secretary, in consultation with local tribal leaders and the National Park Service, shall, no later than 2 years after October 12, 1993, submit recommendations with respect to future boundaries for the recreation area.

(Pub. L. 103-104, § 4, Oct. 12, 1993, 107 Stat. 1028.)

REFERENCES IN TEXT

Public Law 101-556, referred to in text, is not classified to the Code.

§ 460jjj-4. Acquisition of land**(a) State land**

Land and interests in land within the boundaries of the recreation area that are owned by the State of New Mexico, or a political subdivision of New Mexico, may be acquired only by donation or exchange.

(b) Offers to sell**(1) In general**

Subject to paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

(2) Limitation

The Secretary may not acquire lands within the recreation area without the consent of the owner thereof unless the Secretary has determined that such lands will be put to a use different from their use as of October 12, 1993, and that such new use would be incompatible with the protection of the natural and cultural resources of the recreation area.

(Pub. L. 103-104, § 5, Oct. 12, 1993, 107 Stat. 1029.)

§ 460jjj-5. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.

(Pub. L. 103-104, § 6, Oct. 12, 1993, 107 Stat. 1029.)

SUBCHAPTER CXXII—BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA

§ 460kkk. Boston Harbor Islands National Recreation Area**(a) Purposes**

The purposes of this section are—

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts and Cape Cod Bays, the Thompson Island Outward Bound Education Center, and Trustees of Reservations, and with historical, business, cultural, civic, recreational and tourism organizations;

(3) to improve access to the Boston Harbor Islands through the use of public water transportation; and

¹ See Change of Name note below.