

703(c) is effective on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976.

#### SAVINGS PROVISION

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

### §§ 270-13 to 270-17. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 270-13, act Mar. 8, 1922, ch. 96, §3, as added Aug. 17, 1961, Pub. L. 87-147, 75 Stat. 384; amended Oct. 3, 1962, Pub. L. 87-742, 76 Stat. 740, authorized sale or other disposition of Alaskan lands containing coal, oil, or gas deposits. Section was formerly classified to section 377a of Title 48, Territories and Insular Possessions.

Section 270-14, act July 8, 1916, ch. 228, §3, formerly §2, 39 Stat. 352, renumbered June 28, 1918, ch. 110, 40 Stat. 633, excepted certain lands in Alaska from homestead entry and settlement. Section was formerly classified to section 378 of Title 48.

Section 270-15, acts Apr. 13, 1926, ch. 121, §1, 44 Stat. 243; Apr. 29, 1950, ch. 134, §3, 64 Stat. 93, related to claims and rectangular system of surveys and departure for local or topographic conditions.

Section 270-16, acts Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; Apr. 13, 1926, ch. 121, §2, 44 Stat. 244; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to additional entries by soldiers.

Section 270-17, act Apr. 13, 1926, ch. 121, §3, 44 Stat. 244, related to disposition of deposit of estimated cost of work incident to survey, and promulgation of rules and regulations.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(a) is effective on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976.

##### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### SUBCHAPTER IX—SOLDIERS' AND SAILORS' HOMESTEAD

### §§ 271 to 284. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 271, R.S. §2304; Mar. 1, 1901, ch. 674, 31 Stat. 847, related to soldiers and sailors entitled to make entry.

Section 272, R.S. §2305; Mar. 1, 1901, ch. 674, 31 Stat. 847; Apr. 6, 1922, ch. 122, §1, 42 Stat. 491, related to deduction of military and naval service from time required to perfect title, and rights of widows and children of veterans.

Section 272a, acts Feb. 25, 1919, ch. 37, 40 Stat. 1161; Dec. 28, 1922, ch. 19, 42 Stat. 1067, related to applicability of sections 271 and 272 of this title to military and naval operations on Mexican border or in World War I.

Section 273, act Apr. 6, 1922, ch. 122, §1, 42 Stat. 491, related to veterans receiving compensation for wounds or disability.

Section 274, R.S. §2306, related to additional entry by veteran.

Section 275, act Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to invalidity of additional entries, and commutation.

Section 276, act Aug. 18, 1894, ch. 301, §1, 28 Stat. 397, related to issuance of additional homestead certificates.

Section 277, R.S. §2309, related to additional entry by agent.

Section 278, R.S. §2307; Feb. 25, 1919, ch. 37, 40 Stat. 1161; Sept. 21, 1922, ch. 357, 42 Stat. 990, set forth rights of veteran's widow to make entry, and rights of children upon her death.

Section 279, acts Sept. 27, 1944, ch. 421, §1, 58 Stat. 747; June 25, 1946, ch. 474, 60 Stat. 308; May 31, 1947, ch. 88, §1, 61 Stat. 123; June 18, 1954, ch. 306, §1(a), (b), 68 Stat. 253, set forth preference rights of entry of World War II or Korean conflict veterans.

Section 280, acts Sept. 27, 1944, ch. 421, §2, 58 Stat. 748; May 31, 1947, ch. 88, §2, 61 Stat. 123, related to rights of dependents of World War II or Korean conflict veterans.

Section 281, act Sept. 27, 1944, ch. 421, §3, 58 Stat. 748, related to death of World War II or Korean conflict veteran as affecting patent rights of minor children.

Section 282, acts Sept. 27, 1944, ch. 421, §4, 58 Stat. 748; May 31, 1947, ch. 88, §3, 61 Stat. 124; June 18, 1954, ch. 306, §1(c), 68 Stat. 254, related to rights of World War II or Korean conflict veteran on revocation of withdrawal order.

Section 283, acts Sept. 27, 1944, ch. 421, §6, formerly §5, 58 Stat. 748, renumbered §6, June 3, 1948, ch. 399, 62 Stat. 305, related to promulgation of rules and regulations respecting preference right of entry of World War II or Korean conflict veteran.

Section 284, act Sept. 27, 1944, ch. 421, §5, as added June 3, 1948, ch. 399, 62 Stat. 305, defined "homestead" for purposes of preference right of entry of World War II or Korean conflict veteran.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

##### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### SUBCHAPTER X—STOCK-RAISING HOMESTEAD

### §§ 291 to 298. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 291, acts Dec. 29, 1916, ch. 9, §1, 39 Stat. 862; Feb. 28, 1931, ch. 328, 46 Stat. 1454; June 9, 1933, ch. 53, 48 Stat. 119, related to entry on unappropriated, unreserved lands, and lands excepted from entry.

Section 292, acts Dec. 29, 1916, ch. 9, §2, 39 Stat. 862; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; June 6, 1924, ch. 274, 43 Stat. 469; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to designation of lands subject to entry, and application thereof.

Section 293, acts Dec. 29, 1916, ch. 9, §3, 39 Stat. 863; Oct. 25, 1918, ch. 195, 40 Stat. 1016, related to persons entitled to make entries and effect of entries.

Section 294, acts Dec. 29, 1916, ch. 9, §4, 39 Stat. 863; Sept. 29, 1919, ch. 63, 41 Stat. 287, related to additional entries and amount of entry.

Section 295, acts Dec. 29, 1916, ch. 9, §5, 39 Stat. 863; Sept. 29, 1919, ch. 63, 41 Stat. 287, related to persons entitled to make additional entries.

Section 296, act Dec. 29, 1916, ch. 9, §6, 39 Stat. 863, related to heads of families, etc., and relinquishment or reconveyance of land.

Section 297, act Dec. 29, 1916, ch. 9, §7, 39 Stat. 864, related to applicability of commutation provisions to entries.

Section 298, act Dec. 29, 1916, ch. 9, §8, 39 Stat. 864, set forth provisions relating to additional entries and preferential rights.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

##### SAVINGS PROVISION

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### § 299. Reservation of coal and mineral rights

#### (a) General provisions

All entries made and patents issued under the provisions of this subchapter shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this subchapter, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and

regulations prescribed by the Secretary of the Interior and to be filed with and approved by the officer designated by the Secretary of the Interior of the local land office of the district where in the land is situate, subject to appeal to the Secretary of the Interior or such officer as he may designate: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this subchapter with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this subchapter.

#### (b) Exploration; location of mining claims; notices

##### (1) In general

(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this subchapter to explore for, or to locate, a mining claim on such lands without—

- (i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and
- (ii) providing notice to the surface owner pursuant to paragraph (3).

(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this subchapter to undertake mineral activities related to exploration that cause no more than a minimal disturbance of surface resources and do not involve the use of mechanized earthmoving equipment, explosives, the construction of roads, drill pads, or the use of toxic or hazardous materials.

(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 90-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2).

##### (2) Notice of intention to locate a mining claim

Any person seeking to locate a mining claim on lands subject to this subchapter in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) shall file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on the land status records of the Secretary. Whenever any person has filed a notice under this paragraph with respect to any lands, during the 90-day period following the date of such filing, or any extension thereof pursuant to this paragraph, no other person (including the surface owner) may—

- (A) file such a notice with respect to any portions of such lands;