

Ramseyer for HR 1815, Eastern Nevada Land Implementation Improvement Act

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Part 1: (Lincoln County Land Act of 2000)

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Lincoln County Land Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.--Congress finds that--

(1) Lincoln County, Nevada, encompasses an area of 10,132 square miles of the State of Nevada;

(2) approximately 98 percent of the County is owned by the Federal Government;

(3) the City of Mesquite, Nevada, needs land for an organized approach for expansion to the north;

(4) citizens of the County would benefit through enhanced county services and schools from the increased private property tax base due to commercial and residential development;

(5) the County would see improvement to the budget for the county and school services through the immediate distribution of sale receipts from the Secretary selling land through a competitive bidding process;

(6) a cooperative approach among the Bureau of Land Management, the County, the City, and other local government entities will ensure continuing communication between those entities;

(7) the Federal Government will be fairly compensated for the sale of public land; and

(8) the proposed Caliente Management Framework Amendment and Environmental Impact Statement for the Management of Desert Tortoise Habitat Plan identify specific public land as being suitable for disposal.

(b) Purposes.--The purposes of this Act are--

(1) to provide for the orderly disposal of certain public land in the County; and

(2) to provide for the acquisition of environmentally sensitive land in the State of Nevada.

SEC. 3. DEFINITIONS.

In this Act:

(1) City.--The term ``City" means the City of Mesquite,

Nevada.

(2) County.--The term "County" means Lincoln County, Nevada.

(3) Secretary.--The term "Secretary" means the Secretary of the Interior.

(4) Special account.--The term "special account" means the account in the Treasury of the United States established under section 5.

SEC. 4. DISPOSAL OF LAND.

(a) Disposal.--

(1) In general.--As soon as practicable after the date of the enactment of this Act, notwithstanding the land use planning and land sale requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County and the City, in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law, and subject to valid existing rights, shall dispose of the land described in subsection (b) in a competitive bidding process, at a minimum, for fair market value.

(2) <<NOTE: Deadlines.>> Timing.--The Secretary shall dispose of--

(A) the land described in subsection (b)(1)(A) not later than 1 year after the date of the enactment of this Act; and

(B) the land described in subsection (b)(1)(B) not later than 5 years after the date of the enactment of this Act.

(b) Land Description.--

(1) In general.--The land referred to in subsection (a) is the land depicted on the map entitled "Public Lands Identified for Disposal in Lincoln County, Nevada" and dated July 24, 2000, consisting of--

(A) the land identified on the map for disposal within 1 year, comprising approximately 4,817 acres; and

(B) the land identified on the map for disposal within 5 years, comprising approximately 8,683 acres.

(2) Map.--The map described in paragraph (1) shall be available for public inspection in the Ely Field Office of the Bureau of Land Management.

(c) Segregation.--Subject to valid existing rights, the land described in subsection (b) is segregated from all forms of entry and

appropriation (except for competitive sale) under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(d) Compliance With Local Planning and Zoning.--The Secretary shall ensure that qualified bidders intend to comply with--

- (1) County and City zoning ordinances; and
- (2) any master plan for the area developed and approved by the County and City.

SEC. 5. DISPOSITION OF PROCEEDS.

(a) Land Sales.--Of the gross proceeds of sales of land under this Act in a fiscal year--

- (1) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;
- (2) 10 percent shall be returned to the County for use as determined through normal county budgeting procedures, with emphasis given to support of schools and the Lincoln County Regional Development Authority, of which no amount may be used in support of litigation against the Federal Government; and
- (3) the remainder shall be deposited in a special account in the Treasury of the United States (referred to in this section as the "special account") for use as provided in subsection (b).

(b) Availability of Special Account.--

(1) In general.--Amounts in the special account (including amounts earned as interest under paragraph (3)) shall be available to the Secretary of the Interior, without further Act of appropriation, and shall remain available until expended, for--

- (A) inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) in the County;
- (B) development and implementation of a multispecies habitat conservation plan in the County;
- (C)(i) reimbursement of costs incurred by the Nevada State Office and the Ely Field Office of the Bureau of Land Management in preparing sales under this Act, or other authorized land sales within the County, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice; and;

(ii) processing public land use authorizations and rights-of-way stemming from development of the conveyed land; and

(iii) development and implementation of comprehensive, cost-effective, and multi-jurisdictional hazardous fuels reduction projects and wildfire prevention planning (particularly for pinyon-juniper dominated landscapes) and other rangeland and woodland restoration projects within the County, consistent with the Ely Resource Management Plan and subject to approval by the Secretary; and

(D) the cost of acquisition of environmentally sensitive land or interests in such land in the State of Nevada, with priority given to land outside Clark County.

(2) Acquisition from willing sellers.--An acquisition under paragraph (1)(D) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.

(3) WAIVER OF FEES.—Processing of applications for rights-of-way submitted by local or regional governments within the County necessary to deliver government-provided services to land conveyed pursuant to this Act shall not require payment of cost-recovery fees or payment of contributed funds.

(4) COOPERATIVE AGREEMENTS.—Establishment of cooperative agreements between the Bureau of Land Management and the County shall be required for County-provided law enforcement and planning related activities regarding—

(A) wilderness in the County designated by the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

(B) cultural resources identified, protected, and managed pursuant to that Act;

(C) planning, management, and law enforcement associated with the Silver State OHV Trail designated by that Act; and

(D) planning associated with land disposal and related land use authorizations required for utility corridors and rights-of-way to serve land that has been, or is to be, disposed

of pursuant to that Act and this Act.

(c) Investment of Special Account.--All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

SEC. 6. ACQUISITIONS.

(a) Definition of Environmentally Sensitive Land.--In this section, the term "environmentally sensitive land" means land or an interest in land, the acquisition of which by the United States would, in the judgment of the Secretary--

- (1) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;
- (2) enhance recreational opportunities and public access;
- (3) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or
- (4) otherwise serve the public interest.

(b) Acquisitions.--

(1) In general.--After the consultation process has been completed in accordance with subsection (c), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Land may not be acquired under this section without the consent of the landowner.

(2) Use of other funds.--Funds made available from the special account may be used with any other funds made available under any other provision of law.

(c) Consultation.--Before initiating efforts to acquire land under this subsection, the Secretary shall consult with the State of Nevada and with local government within whose jurisdiction the land is located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.

(d) Administration.--On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national

conservation or national recreation area established by Act of Congress--

(1) shall become part of the unit or area without further action by the Secretary; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

Part 2 (Section 103 and 301 of the Lincoln County Conservation, Recreation, and Development Act of 2004, as amended by HR 1815):

SEC. 103. DISPOSITION OF PROCEEDS.

(a) INITIAL LAND SALE.—Section 5 of the Lincoln County Land Act of 2000 (114 Stat. 1047) shall apply to the disposition of the gross proceeds from the sale of land described in section 102(b)(1).

(b) DISPOSITION OF PROCEEDS.—Proceeds from sales of lands described in section 102(b)(2) shall be disbursed as follows—

(1) 5 percent shall be paid directly to the state for use in the general education program of the State;

(2) 10 percent shall be paid to the County for use for fire protection, law enforcement, public safety, housing, social services, ~~and transportation~~ transportation, and the Lincoln County Regional Development Authority; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States and shall be available without further appropriation to the Secretary until expended for—

(A) the reimbursement of costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of land described in section 102(b) including surveys appraisals, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and compliance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712);

(B) the inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) of the County;

(C) the development and implementation of a multispecies habitat conservation plan for the County;

(D) processing of public land use authorizations and rights-of-way relating to the development of land conveyed under section 102(a) of this Act;

(E) processing the Silver State OHV trail and implementing

the management plan required by section 151(c)(2) of this Act; and;

(F) processing wilderness designation, including but not limited to, the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated; and

(G) development and implementation of comprehensive, cost-effective, and multijurisdictional hazardous fuels reduction and wildfire prevention planning (particularly for pinyon-juniper dominated landscapes) and other rangeland and woodland restoration projects within the County, consistent with the Ely Resource Management Plan and subject to approval by the Secretary.

(c) INVESTMENT OF SPECIAL ACCOUNT.—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

(d) WAIVER OF FEES.—Processing of applications for rights-of-way submitted by local or regional governments within the County necessary to deliver government-provided services to land conveyed pursuant to this Act shall not require payment of cost-recovery fees or payment of contributed funds.

(e) COOPERATIVE AGREEMENTS.—Establishment of cooperative agreements between the Bureau of Land Management and the County shall be required for County-provided law enforcement and planning related activities regarding—

(1) wilderness in the County designated by this Act;

(2) cultural resources identified, protected, and managed pursuant to this Act;

(3) planning, management, and law enforcement associated with the Silver State OHV Trail designated by this Act; and

(4) planning associated with land disposal and related land use authorizations required for utility corridors and rights-of-way to serve land that has been, or is to be, disposed of pursuant to this Act and the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1046).

SEC. 301. UTILITY CORRIDOR AND RIGHTS-OF-WAY.

(a) UTILITY CORRIDOR.—

(1) IN GENERAL.—Consistent with title II and notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1763), the Secretary of the Interior (referred to in this section as the “Secretary”) shall establish on public land a 2,640-foot wide corridor for utilities in Lincoln County and Clark County, Nevada, as generally depicted on the map entitled “Lincoln County Conservation, Recreation, and Development Act”, and dated October 1, 2004.

(2) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Nevada State Director of the Bureau of Land Management;

(C) the Ely Field Office of the Bureau of Land Management; and

(D) the Caliente Field Station of the Bureau of Land Management.

(b) RIGHTS-OF-WAY.—

(1) IN GENERAL.—Notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1763), and subject to valid and existing rights, the Secretary shall grant to the Southern Nevada Water Authority and the Lincoln County Water District nonexclusive rights-of-way to Federal land in Lincoln County and Clark County, Nevada, for any roads, wells, well fields, pipes, pipelines, pump stations, storage facilities, or other facilities and systems that are necessary for the construction and operation of a water conveyance system, as depicted on the map.

(2) APPLICABLE LAW.—A right-of-way granted under paragraph (1) shall be granted in perpetuity and shall not require the payment of rental.

(3) COMPLIANCE WITH NEPA.—Before granting a right-of-way under paragraph (1), the Secretary shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the identification and consideration of potential impacts to fish and wildlife resources and habitat.

(c) WITHDRAWAL.—Subject to valid existing rights, the utility corridors designated by subsection (a) (other than land in the corridor located in sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, and 15, T. 7 N., R. 68 E.) are withdrawn from—

- (1) all forms of entry, appropriation, and disposal under the public land laws;
 - (2) location, entry, and patent under the mining laws;
 - and
 - (3) operation of the mineral leasing and geothermal leasing laws.
- (d) STATE WATER LAW.—Nothing in this title shall—
- (1) prejudice the decisions or abrogate the jurisdiction of the Nevada or Utah State Engineers with respect to the appropriation, permitting, certification, or adjudication of water rights;
 - (2) preempt Nevada or Utah State water law; or
 - (3) limit or supersede existing water rights or interest in water rights under Nevada or Utah State law.
- (e) WATER RESOURCES STUDY.—
- (1) IN GENERAL.—The Secretary, acting through the United States Geological Survey, the Desert Research Institute, and a designee from the State of Utah shall conduct a study to investigate ground water quantity, quality, and flow characteristics in the deep carbonate and alluvial aquifers of White Pine County, Nevada, and any groundwater basins that are located in White Pine County, Nevada, or Lincoln County, Nevada, and adjacent areas in Utah. The study shall—
 - (A) focus on a review of existing data and may include new data;
 - (B) determine the approximate volume of water stored in aquifers in those areas;
 - (C) determine the discharge and recharge characteristics of each aquifer system;
 - (D) determine the hydrogeologic and other controls that govern the discharge and recharge of each aquifer system; and
 - (E) develop maps at a consistent scale depicting aquifer systems and the recharge and discharge areas of such systems.
 - (2) TIMING; AVAILABILITY.—The Secretary shall complete a draft of the water resources report required under paragraph (1) not later than 30 months after the date of the enactment of this Act. The Secretary shall then make the draft report available for public comment for a period of not less than 60 days. The final report shall be submitted to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate and made available to the public not later than 36 months after the date of the enactment of this Act.
 - (3) AGREEMENT.—Prior to any transbasin diversion from

ground-water basins located within both the State of Nevada and the State of Utah, the State of Nevada and the State of Utah shall reach an agreement regarding the division of water resources of those interstate ground-water flow system(s) from which water will be diverted and used by the project. The agreement shall allow for the maximum sustainable beneficial use of the water resources and protect existing water rights.

(4) FUNDING.—Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317) is amended—

- (A) in clauses (ii), (iv), and (v), by striking “County” each place it appears and inserting “and Lincoln Counties”;
- (B) in clause (vi), by striking “and” at the end;
- (C) by redesignating clause (vii) as clause (viii); and
- (D) by inserting after clause (vi) the following:
“(vii) for development of a water study for Lincoln and White Pine Counties, Nevada, in an amount not to exceed \$6,000,000; and”.

Part 3 (Section 323 of the Pam White Wilderness Act of 2006):

Subtitle <<NOTE: Pam White Wilderness Act of 2006.>> B--Wilderness Areas

SEC. 321. SHORT TITLE.

This subtitle may be cited as the “Pam White Wilderness Act of 2006”.

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SEC. 322. FINDINGS.

Congress finds that--

- (1) public land in the County contains unique and spectacular natural resources, including--
 - (A) priceless habitat for numerous species of plants and wildlife; and
 - (B) thousands of acres of land that remain in a natural state; and
- (2) continued preservation of those areas would benefit the County and all of the United States by--
 - (A) ensuring the conservation of ecologically diverse habitat;

- (B) protecting prehistoric cultural resources;
- (C) conserving primitive recreational resources; and
- (D) protecting air and water quality.

SEC. 323. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) Additions.--The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) <<NOTE: 16 USC 1132 note.>> Mt. moriah wilderness addition.--Certain Federal land managed by the Forest Service and the Bureau of Land Management, comprising approximately 11,261 acres, as generally depicted on the map entitled ``Eastern White Pine County" and dated November 29, 2006, is incorporated in, and shall be managed as part of, the Mt. Moriah Wilderness, as designated by section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195).

(2) <<NOTE: 16 USC 1132 note.>> Mount grafton wilderness.--Certain Federal land managed by the Bureau of Land Management, comprising approximately 78,754 acres, as generally depicted on the map entitled ``Southern White Pine County" and dated November 29, 2006, which shall be known as the ``Mount Grafton Wilderness".

(3) <<NOTE: 16 USC 1132 note.>> South egan range wilderness.--Certain Federal land managed by the Bureau of Land Management, comprising approximately 67,214 acres, as generally depicted on the map entitled ``Southern White Pine County" and dated November 29, 2006, which shall be known as the ``South Egan Range Wilderness".

(4) <<NOTE: 16 USC 1132 note.>> Highland ridge wilderness.--Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 68,627 acres, as generally depicted on the map entitled ``Southern White Pine County" and dated November 29, 2006, which shall be known as the ``Highland Ridge Wilderness".

(5) <<NOTE: 16 USC 1132 note.>> Government peak wilderness.--Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,313 acres, as generally depicted on the map entitled ``Eastern White Pine County" and dated November 29, 2006, which shall be known as the ``Government Peak Wilderness".

(6) <<NOTE: 16 USC 1132 note.>> Currant mountain wilderness addition.--Certain Federal land managed by the Forest Service, comprising approximately 10,697 acres, as generally depicted on the map entitled ``Western White Pine County" and dated

November

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29, 2006, is incorporated in, and shall be managed as part of, the ``Carrant Mountain Wilderness'', as designated by section 2(4) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195).

(7) <<NOTE: 16 USC 1132 note.>> Red mountain wilderness.-- Certain Federal land managed by the Forest Service, comprising approximately 20,490 acres, as generally depicted on the map entitled ``Western White Pine County'' and dated November 29, 2006, which shall be known as the ``Red Mountain Wilderness''.

(8) <<NOTE: 16 USC 1132 note.>> Bald mountain wilderness.-- Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 22,366 acres, as generally depicted on the map entitled ``Western White Pine County'' and dated November 29, 2006, which shall be known as the ``Bald Mountain Wilderness''.

(9) <<NOTE: 16 USC 1132 note.>> White pine range wilderness.-- Certain Federal land managed by the Forest Service, comprising approximately 40,013 acres, as generally depicted on the map entitled ``Western White Pine County'' and dated November 29, 2006, which shall be known as the ``White Pine Range Wilderness''.

(10) <<NOTE: 16 USC 1132 note.>> Shellback wilderness.-- Certain Federal land managed by the Forest Service, comprising approximately 36,143 acres, as generally depicted on the map entitled ``Western White Pine County'' and dated November 29, 2006, which shall be known as the ``Shellback Wilderness''.

(11) <<NOTE: 16 USC 1132 note.>> High schells wilderness.-- Certain Federal land managed by the Forest Service, comprising approximately 121,497 acres, as generally depicted on the map entitled ``Eastern White Pine County'' and dated November 29, 2006, which shall be known as the ``High Schells Wilderness''.

(12) <<NOTE: 16 USC 1132 note.>> Becky peak wilderness.-- Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,119 acres, as generally depicted on the map entitled ``Northern White Pine County'' and dated November 29, 2006, which shall be known as the ``Becky Peak Wilderness''.

(13) <<NOTE: 16 USC 1132 note.>> Goshute canyon wilderness.-- Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,544 acres, as generally depicted on the map entitled ``Northern White Pine County'' and

dated November 29, 2006, which shall be known as the ``Goshute Canyon Wilderness".

(14) <<NOTE: 16 USC 1132 note.>> Bristlecone wilderness.-- Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,095 acres, as generally depicted on the map entitled ``Eastern White Pine County" and dated November 29, 2006, which shall be known as the ``Bristlecone Wilderness".

(b) Boundary.--The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) Map and Legal Description.--

(1) In general.--As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

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(2) Effect.--Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) Availability.--Each map and legal description shall be on file and available for public inspection in the appropriate offices of--

- (A) the Bureau of Land Management;
- (B) the Forest Service; and
- (C) the National Park Service.

(d) Withdrawal.--Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from--

- (1) all forms of entry, appropriation, and disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing and geothermal leasing laws.

~~(e) Mt. Moriah Wilderness Boundary Adjustment.--The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101-195) is adjusted to include only the land identified as the ``Mount Moriah Wilderness Area" and ``Mount Moriah Additions" on the map entitled ``Eastern White Pine County" and dated November 29, 2006.~~

(e) MT. MORIAH WILDERNESS ADJUSTMENT.—The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195) is adjusted to include—

(1) the land identified as the ‘Mount Moriah Wilderness Area’ and ‘Mount Moriah Additions’ on the map entitled ‘Eastern White Pine County’ and dated November 29, 2006; and

(2) the land identified as ‘NFS Lands’ on the map entitled ‘Proposed Wilderness Boundary Adjustment Mt. Moriah Wilderness Area’ and dated June 18, 2014.

(f) HIGH SCHELLS WILDERNESS ADJUSTMENT.—The boundary of the High Schells Wilderness established under subsection (a)(11) is adjusted to include the land identified as ‘Include as Wilderness’ on the map entitled ‘McCoy Creek Adjustment’ and dated November 3, 2014, and to exclude the land identified as ‘NFS Lands’ on the map entitled ‘Proposed Wilderness Boundary Adjustment High Schells Wilderness Area’ and dated June 17, 2014.

Part 4: (The Nevada Wilderness Protection Act of 1989):

An Act To designate certain lands in the State of Nevada as wilderness, and for other purposes.
Be it enacted by the Senate and House of Representatives of the Nevada United States of America in Congress assembled,
Wilderness

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. System. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a

map entitled "Alta Toquima Wilderness—Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";

(2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated May, 1989, and which shall be known as the "Arc Dome Wilderness";

(3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness";

(4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Currant Mountain Wilderness";

(5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled "East Humboldts Wilderness—Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";

(6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition—Proposed", dated May, 1989, and which are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132(a));

(7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated October, 1989, and which shall be known as the "Mt. Rose Wilderness";

(8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";

(9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated September, 1989, and which shall be known as the "Ruby Mountains Wilderness";

(10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston

Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated May, 1989, and which shall be known as the "Santa Rosa-Paradise Peak Wilderness".

SEC. .3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the (I)ommittee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public information, inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and
(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) DETERMINATION.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to—

(A) the National Forest System lands in the State of Nevada that were reviewed by the Department of Agriculture in the second roadless area review and evaluations (RARE II); and

(B) the lands described in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness in section 2 shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604): Provided, That such areas need not be managed for the purpose of protecting 5.1 their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) and other applicable law, areas not recommended

for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purposes of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600-1614) and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the term "revision" shall not include an "amendment" to a plan.

(d) APPLICATION OF SECTION.—Lands identified by reference to this subsection are—

(1) National Forest System roadless lands in the State of Nevada of less than 5,000 acres; and

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, identified in the unit plans listed below, which are not designated as wilderness in section 2:

National Forest Unit plan

Humboldt Santa Rosa

Humboldt Ruby Mt./E. Humboldt

Toiyabe Mt. Charleston

Toiyabe Central Nevada

SEC. 6. GRAZING IN WILDERNESS AREAS.

(a) LIVESTOCK GRAZING.—Grazing of livestock in wilderness areas designated in section 2 that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes (16 U.S.C. 1133 note).

(b) REVIEW.—The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in National Forest Wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress

regarding grazing in such areas, as such intent is expressed in this Act.

(c) REPORTS.—Not later than 1 year after the enactment of this Act, and at least every 5 years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the progress made by the Forest Service in carrying out the provisions of subsections (a) and (b).

SEC. 7. PROHIBITION OF BUFFER ZONES.

Congress does not intend that the designation of wilderness areas in the State of Nevada implies the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 8. WATER ALLOCATION AUTHORITY.

(a) Within the wilderness areas designated by this Act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(b) The priority date of the water rights reserved in paragraph (a) shall be the date of enactment of this Act.

(c) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (a) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

(d) The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

(e) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Nevada designated by this Act. Nothing in this Act, nor in any legislative history accompanying this Act related to reserved Federal water rights, shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto.

SEC. 9. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

SEC. 10. CLIMATOLOGICAL DATA COLLECTION.

Subject to such reasonable terms and conditions as the Secretary may prescribe, nothing in this Act or the Wilderness Act shall be construed to prevent, where appropriate, the installation and maintenance of hydrologic, meteorologic, or climatological collection devices within the wilderness areas or additions thereto designated by this Act, where such facilities and access thereto are essential to flood warning, flood control and water reservoir operation purposes.

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

SEC. 12. ARC DOME BOUNDARY ADJUSTMENT.

The boundary of the Arc Dome Wilderness established under section 2(2) is adjusted to exclude the land identified as 'Exclude from Wilderness' on the map entitled 'Arc Dome Adjustment' and dated November 3, 2014.

Part 5: (Public Law 99-548 (Mesquite Lands Act)):

SECTION 1. DEFINITIONS AND MAPS.

(a) DEFINITIONS.—As used in this Act:

- (1) The term "public lands" has the same meaning as such term as in the Federal Land Policy and Management Act of 1976.
 - (2) The term "city limits" means the corporate limits of the City of Mesquite, in Clark County, Nevada, as such limits were established on September 15, 1986.
 - (3) The term "the Secretary" means the Secretary of the Interior.
 - (4) The term "the map" means the map entitled "Mesquite, Nevada Lands Transfer Plan" dated September 1986.
- (b) MAPS.—All maps referred to in this Act shall be on file with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and also on file and available for inspection in

the offices of the Director and Nevada State Director of the Bureau of Land Management.

SEC. 2. WITHDRAWAL.

Subject to valid existing rights, all public lands within the city limits are hereby withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws. This withdrawal will terminate on the date ten years after the date of enactment of this Act, except with regard to those lands identified on the map as "Public Lands Retention Area". The withdrawal of the lands so identified shall continue in effect until otherwise provided by law.

SEC. 3. NOTIFICATION AND SALE PERIODS.

(a) **FIRST AREA.**—(1) No later than 180 days after the date of enactment of this Act, the City of Mesquite shall notify the Secretary as to which if any of the public lands within the area specified in paragraph (2) of this subsection the city wishes to purchase.

(2) For the period of one year after the date of enactment of this Act, the city shall have the exclusive right to purchase public lands within the area identified on the map as "Area One".

(b) **SECOND AREA.**—(1) No later than three years after the date of enactment of this Act, the City of Mesquite shall notify the Secretary as to which if any of the public lands within the area specified in paragraph (2) of this subsection the city wishes to purchase.

(2) For a period of four years after the date of enactment of this Act, the city shall have the exclusive right to purchase public lands within the area identified on the map as "Area Two".

(c) **THIRD AREA.**—(1) No later than five years after the date of enactment of this Act, the City of Mesquite shall notify the Secretary as to which if any of the public lands within the area specified in paragraph (2) of this subsection the city wishes to purchase.

(2) For a period of six years after the date of enactment of this Act, the city shall have the exclusive right to purchase public lands within the area identified on the map as "Area Three".

(SEC. 121 of Public Law 104-208.) The Mesquite Lands Act of 1988 is amended by adding the following at the end of section 3:

(d) **FOURTH AREA.**—(1) No later than ten years after the date of enactment of this Act, the City of Mesquite shall notify the Secretary as to which if any of the public lands identified in paragraph (2) of this subsection the city wishes to purchase.

(2) For a period of twelve years after the date of enactment

of this Act, the city shall have exclusive right to purchase the following parcels of public lands:

Parcel A—East 1/2 Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 5, T. 13 S., R. 71 E., Mount Diablo Meridian; West 1/2 Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian; East 1/2, West 1/2 Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian.

Parcel B—North 1/2 Sec. 7, T. 13 S., R. 71 E., Mount Diablo Meridian; South East 1/4 Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East 1/2, North East 1/4 Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East 1/2, West 1/2 North East 1/4 Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian.

Parcel C—West 1/2 Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 1, T. 13 S., R. 70 E., Mount Diablo Meridian; West 1/2, West 1/2, North East 1/4 Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; North West 1/4 Sec. 13, S., R. 70 E., Mount Diablo Meridian; West 1/2 Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East 1/2, South East 1/4, Sec. 11, T. 13 S., R. 70 E., Mount Diablo Meridian; East 1/2 North East 1/4, Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian.

Parcel D—South 1/2 Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian; South West 1/4, Sec. 13, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 23, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 24, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 26, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian.

(SEC. 901 of Public Law 107-282.) Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended—(1) in subsection (d), by adding at the end the following:

(3) **USE OF PROCEEDS.**—The proceeds of the sale of each parcel completed after the date of enactment of this subsection shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and shall be available for use by the Secretary—

(A) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this section;

(B) for the ~~development of a multispecies habitat conservation plan for~~ development and implementation of a conservation plan to benefit fish and wildlife species of the Virgin River in Clark County, Nevada, including any associated groundwater monitoring plan; and

(C) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

(4) TIMING.—Not later than 90 days after the date of enactment of this section, the Secretary shall complete the sale of any parcel authorized to be conveyed pursuant to this section and for which the Secretary has received notification from the city under paragraph (1).’’; and in subsection (f)(2)(B), by adding at the end the following:
“(v) Sec. 7.’’.

(SEC. 133 of Public Law 106-113.) Section 3 of Public Law 99–548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

(e) FIFTH AREA.—

(1) RIGHT TO PURCHASE.—

(A) IN GENERAL.—For a period of 12 years after the date of the enactment of this Act, the City of Mesquite, Nevada, subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act and the Endangered Species Act, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

(B) APPLICABILITY.—Subparagraph (A) shall apply to a parcel of land described in paragraph (2) that has not been identified for disposal in the 1998 Bureau of Land Management Las Vegas Resource Management Plan only if the conveyance is made under subsection (f).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

(i) The portion of sec. 27 north of Interstate Route 15.

(ii) Sec. 28: NE 1/4, S 1/2 (except the Interstate Route 15 right-of-way).

(iii) Sec. 29: E 1/2 NE 1/4 SE 1/4, SE 1/4 SE 1/4.

(iv) The portion of sec. 30 south of Interstate Route 15.

(v) The portion of sec. 31 south of Interstate Route 15.

(vi) Sec. 32: NE 1/4 NE 1/4 (except the Interstate Route 15 right-of-way), the portion of NW 1/4 NE 1/4 south of Interstate Route 15, and the portion of W 1/2 south of Interstate Route 15.

(vii) The portion of sec. 33 north of Interstate Route 15.

(B) In T. 13 S., R. 69 E., Mount Diablo Meridian,

Nevada:

(i) The portion of sec. 25 south of Interstate Route 15.

(ii) The portion of sec. 26 south of Interstate Route 15.

(iii) The portion of sec. 27 south of Interstate Route 15.

(iv) Sec. 28: SW 1/4 SE 1/4.

(v) Sec. 33: E 1/2.

(vi) Sec. 34.

(vii) Sec. 35.

(viii) Sec. 36.

(3) NOTIFICATION.—Not later than 10 years after the date of the enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph

(2) the city intends to purchase.

(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

(f) SIXTH AREA.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall convey to the City of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, and subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act and the Endangered Species Act, up to 2,560 acres of public land to be selected by the

city from among the parcels of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) The portion of sec. 28 south of Interstate Route 15 (except S 1/2 SE 1/4).

(ii) The portion of sec. 29 south of Interstate Route 15.

(iii) The portion of sec. 30 south of Interstate Route 15.

(iv) The portion of sec. 31 south of Interstate Route 15.

(v) Sec. 32.

(vi) Sec. 33: W 1/2.

(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) Sec. 4.

(ii) Sec. 5.

(iii) Sec. 6.

(iv) Sec. 8.

(v) Sec. 7. *[as amended by P.L. 107-282]*

(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

(i) Sec. 1.

(ii) Sec. 12.

(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(4) If the land conveyed pursuant to this section is not utilized by the city as an airport, it shall revert to the United States, at the option of the Secretary.

(5) Nothing in this section shall preclude the Secretary from applying appropriate terms and conditions as identified by the required environmental review to any conveyance made under this section.

SEC. 4. TERMS AND CONDITIONS OF SALES. '

(a) The City of Mesquite shall seek lands in compact and contiguous parcels and shall be subject to a determination by the Secretary that disposition of the lands sought is compatible with proper

management by the Bureau of Land Management of public lands within the city limits which will remain in Federal ownership. Subject to such determination, and to the provisions of this Act, the Secretary shall provide to the city the opportunity to purchase public lands within the city limits.

(b) After the expiration of the time of the exclusive right provided for in section 3, the Secretary may offer the public lands within the city limits (except within the Public Lands Retention Area) for sale under appropriate provisions of the Federal Land Policy and 43 use 1701 Management Act of 1976. The City of Mesquite will be given an opportunity to meet the high bid. If the City of Mesquite matches the highest bid at the sale, it shall be declared the high bidder and permitted to purchase the property.

(c) The Secretary shall retain in Federal ownership the public lands in the Public Lands Retention Area, and is authorized to retain such other public lands within the city limits as which the Secretary determines it would best serve the public interest to retain in Federal ownership.

(d) The Secretary is hereby authorized to attach such conditions to any sale under this Act and patent issued pursuant to it, as the Secretary of the Interior determines to be reasonable and appropriate.

(e) All disposals of public lands within the city limits shall be subject to valid existing rights and for fair market value.