

108TH CONGRESS  
2D SESSION

# H. R. 4593

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2004

Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lincoln County Con-  
5 servation, Recreation, and Development Act of 2004”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

### TITLE I—LAND DISPOSAL

Sec. 101. Definitions.

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- Sec. 103. Disposition of proceeds.

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- Sec. 203. Additions to National Wilderness Preservation System.
- Sec. 204. Administration.
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TITLE III—UTILITY CORRIDORS

- Sec. 301. Utility corridor and rights-of-way.
- Sec. 302. Relocation of right-of-way and utility corridors located in Clark and Lincoln Counties in the State of Nevada.

TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

- Sec. 401. Silver State off-highway vehicle trail.

TITLE V—OPEN SPACE PARKS

- Sec. 501. Open space park conveyance to Lincoln County, Nevada.
- Sec. 502. Open space park conveyance to the State of Nevada.

TITLE VI—JURISDICTION TRANSFER

- Sec. 601. Transfer of administrative jurisdiction between the Fish and Wildlife Service and the Bureau of Land Management.

1           **TITLE I—LAND DISPOSAL**

2   **SEC. 101. DEFINITIONS.**

3           In this title:

4                   (1) COUNTY.—The term “County” means Lin-  
5           coln County, Nevada.

6                   (2) MAP.—The term “map” means the map en-  
7           titled “Lincoln County Conservation, Recreation,  
8           and Development Act Map” and dated June 14,  
9           2004.

1           (3) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (4) SPECIAL ACCOUNT.—The term “special ac-  
4           count” means the special account established under  
5           section 104(b)(3).

6 **SEC. 102. CONVEYANCE OF LINCOLN COUNTY LAND.**

7           (a) IN GENERAL.—Notwithstanding sections 202 and  
8           203 of the Federal Land Policy and Management Act of  
9           1976 (43 U.S.C. 1711, 1712), the Secretary, in coopera-  
10          tion with the County, in accordance with that Act, this  
11          title, and other applicable law and subject to valid existing  
12          rights, shall conduct sales of the land described in sub-  
13          section (b) to qualified bidders.

14          (b) DESCRIPTION OF LAND.—The land referred to in  
15          subsection (a) consists of—

16                (1) the land identified on the map for disposal  
17                within 75 days, comprising 2 parcels totaling ap-  
18                proximately 13,373 acres; and

19                (2) the land identified on the map for annual  
20                disposal, comprising approximately 87,005 acres.

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

24                (1) the Office of the Director of the Bureau of  
25                Land Management;

1           (2) the Office of the State Director of the Bu-  
2       reau of Land Management;

3           (3) the Ely District Office of the Bureau of  
4       Land Management; and

5           (4) the Caliente Field Office of the Bureau of  
6       Land Management.

7       (d) JOINT SELECTION REQUIRED.—The Secretary  
8       and the County shall jointly select which parcels of land  
9       described in subsection (b)(2) to offer for sale under sub-  
10      section (a).

11      (e) COMPLIANCE WITH LOCAL PLANNING AND ZON-  
12      ING LAWS.—Before a sale of land under subsection (a),  
13      the County shall submit to the Secretary a certification  
14      that qualified bidders have agreed to comply with—

15           (1) County and city zoning ordinances; and

16           (2) any master plan for the area approved by  
17      the County.

18      (f) METHOD OF SALE; CONSIDERATION.—The sale of  
19      land under subsection (a) shall be—

20           (1) through a competitive bidding process; and

21           (2) for not less than fair market value.

22      (g) SEGREGATION.—

23           (1) IN GENERAL.—Subject to valid existing  
24      rights and except as provided in paragraph (2), the

1 land described in subsection (b) is segregated  
2 from—

3 (A) all forms of entry and appropriation  
4 under the public land laws, including the min-  
5 ing laws; and

6 (B) operation of the mineral leasing and  
7 geothermal leasing laws.

8 (2) EXCEPTION.—Paragraph (1)(A) shall not  
9 apply to a competitive sale or an election by the  
10 County to obtain the land described in subsection  
11 (b) for public purposes under the Act of June 14,  
12 1926 (43 U.S.C. 869 et seq; commonly known as the  
13 “Recreation and Public Purposes Act”).

14 (h) DEADLINE FOR SALE.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2), the Secretary shall—

17 (A) notwithstanding the Lincoln County  
18 Land Act of 2000 (114 Stat. 1046), not later  
19 than 75 days after the date of the enactment of  
20 this title, convey the land described in sub-  
21 section (b)(1) if there is a qualified bidder for  
22 such land; and

23 (B) not later than 1 year after the date of  
24 the enactment of this title, and annually there-

1 after until the land is disposed of, convey the  
2 land described in subsection (b)(2).

3 (2) POSTPONEMENT; EXCLUSION FROM SALE.—

4 (A) REQUEST BY COUNTY FOR POSTPONE-  
5 MENT OR EXCLUSION.—

6 (i) IN GENERAL.—At the request of  
7 the County, the Secretary shall postpone or  
8 exclude from the sale all or a portion of  
9 the land described in subsection (b)(2).

10 (ii) INDEFINITE POSTPONEMENT.—  
11 Unless specifically requested by the Coun-  
12 ty, a postponement under clause (i) shall  
13 not be indefinite.

14 (B) EXCLUSION BY SECRETARY.—Notwith-  
15 standing paragraph (1), the Secretary may ex-  
16 clude from sale not more than 10,000 acres of  
17 the land described in subsection (b)(2) if the  
18 Secretary determines that such sale is incon-  
19 sistent with the protection of habitat and cul-  
20 tural resources.

21 **SEC. 103. DISPOSITION OF PROCEEDS.**

22 (a) INITIAL LAND SALE.—Section 5 of the Lincoln  
23 County Land Act of 2000 (114 Stat. 1047) shall apply  
24 to the disposition of the gross proceeds from the sale of  
25 land described in section 103(b)(1).

1 (b) SUBSEQUENT LAND SALES.—Of the gross pro-  
2 ceeds of the sale of the land described in section  
3 103(b)(2)—

4 (1) 5 percent shall be paid directly to the State  
5 for use in the general education program of the  
6 State;

7 (2) 45 percent shall be paid to the County for  
8 use for economic development in the County, includ-  
9 ing County parks, trails, and natural areas; and

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

14 (A) the inventory, evaluation, protection,  
15 and management of unique archaeological re-  
16 sources (as defined in section 3 of the Archae-  
17 ological Resources Protection Act of 1979 (16  
18 U.S.C. 470bb)) of the County;

19 (B) the development of a multispecies  
20 habitat conservation plan for the County; and

21 (C) the reimbursement of costs incurred by  
22 the Nevada State Office and the Ely Field Of-  
23 fice of the Bureau of Land Management for—

1 (i) preparing for the sale of land  
2 under section 103(a), including the costs  
3 of—

4 (I) conducting any land boundary  
5 surveys;

6 (II) complying with the National  
7 Environmental Policy Act of 1969 (42  
8 U.S.C. 4321 et seq.);

9 (III) conducting any appraisals;

10 (IV) obtaining environmental and  
11 cultural clearances; and

12 (V) providing public notice of the  
13 sale;

14 (ii) processing public land use author-  
15 izations and rights-of-way relating to the  
16 development of the land conveyed under  
17 section 103(a);

18 (iii) processing the Silver State OHV  
19 trail and implementing the management  
20 plan required by section 401(c)(3) of this  
21 Act; and

22 (iv) processing wilderness designa-  
23 tions, including the costs of appropriate  
24 fencing, signage, public education, and en-

1                   forcement for the wilderness areas des-  
2                   ignated.

3           (c) INVESTMENT OF SPECIAL ACCOUNT.—Any  
4 amounts deposited in the special account shall earn inter-  
5 est in an amount determined by the Secretary of the  
6 Treasury on the basis of the current average market yield  
7 on outstanding marketable obligations of the United  
8 States of comparable maturities.

## 9       **TITLE II—WILDERNESS AREAS**

### 10   **SEC. 201. FINDINGS.**

11       Congress finds that—

12           (1) public land in the County contains unique  
13       and spectacular natural resources, including—

14                   (A) priceless habitat for numerous species  
15                   of plants and wildlife; and

16                   (B) thousands of acres of land that remain  
17                   in a natural state; and

18           (2) continued preservation of those areas would  
19       benefit the County and all of the United States by—

20                   (A) ensuring the conservation of eco-  
21                   logically diverse habitat;

22                   (B) protecting prehistoric cultural re-  
23                   sources;

24                   (C) conserving primitive recreational re-  
25                   sources; and

1 (D) protecting air and water quality.

2 **SEC. 202. DEFINITIONS.**

3 In this title:

4 (1) COUNTY.—The term “County” means Lin-  
5 coln County, Nevada.

6 (2) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Interior.

8 (3) STATE.—The term “State” means the State  
9 of Nevada.

10 **SEC. 203. ADDITIONS TO NATIONAL WILDERNESS PRESER-**  
11 **VATION SYSTEM.**

12 (a) ADDITIONS.—The following land in the State is  
13 designated as wilderness and as components of the Na-  
14 tional Wilderness Preservation System:

15 (1) MORMON MOUNTAINS WILDERNESS.—Cer-  
16 tain Federal land managed by the Bureau of Land  
17 Management, comprising approximately 153,939  
18 acres, as generally depicted on the map entitled  
19 “Southern Lincoln County Wilderness Map”, dated  
20 June 1, 2004, which shall be known as the “Mor-  
21 mon Mountains Wilderness”.

22 (2) MEADOW VALLEY RANGE WILDERNESS.—  
23 Certain Federal land managed by the Bureau of  
24 Land Management, comprising approximately  
25 124,833 acres, as generally depicted on the map en-

1 titled “Southern Lincoln County Wilderness Map”,  
2 dated June 1, 2004, which shall be known as the  
3 “Meadow Valley Range Wilderness”.

4 (3) DELAMAR MOUNTAINS WILDERNESS.—Cer-  
5 tain Federal land managed by the Bureau of Land  
6 Management, comprising approximately 111,389  
7 acres, as generally depicted on the map entitled  
8 “Southern Lincoln County Wilderness Map”, dated  
9 June 1, 2004, which shall be known as the  
10 “Delamar Mountains Wilderness”.

11 (4) CLOVER MOUNTAINS WILDERNESS.—Cer-  
12 tain Federal land managed by the Bureau of Land  
13 Management, comprising approximately 85,757  
14 acres, as generally depicted on the map entitled  
15 “Southern Lincoln County Wilderness Map”, dated  
16 June 1, 2004, which shall be known as the “Clover  
17 Mountains Wilderness”.

18 (5) SOUTH PAHROC WILDERNESS.—Certain  
19 Federal land managed by the Bureau of Land Man-  
20 agement, comprising approximately 25,638 acres, as  
21 generally depicted on the map entitled “Western  
22 Lincoln County Wilderness Map”, dated June 1,  
23 2004, which shall be known as the “South Pahroc  
24 Wilderness”.

1           (6) WORTHINGTON MOUNTAINS WILDERNESS.—  
2           Certain Federal land managed by the Bureau of  
3           Land Management, comprising approximately  
4           30,936 acres, as generally depicted on the map enti-  
5           tled “Western Lincoln County Wilderness Map”,  
6           dated June 1, 2004, which shall be known as the  
7           “Worthington Mountains Wilderness”.

8           (7) WEEPAH SPRING WILDERNESS.—Certain  
9           Federal land managed by the Bureau of Land Man-  
10          agement, comprising approximately 51,117 acres, as  
11          generally depicted on the map entitled “Western  
12          Lincoln County Wilderness Map”, dated June 1,  
13          2004, which shall be known as the “Weepah Spring  
14          Wilderness”.

15          (8) PARSNIP PEAK WILDERNESS.—Certain Fed-  
16          eral land managed by the Bureau of Land Manage-  
17          ment, comprising approximately 45,837 acres, as  
18          generally depicted on the map entitled “Northern  
19          Lincoln County Wilderness Map”, dated June 1,  
20          2004, which shall be known as the “Parsnip Peak  
21          Wilderness”.

22          (9) WHITE ROCK RANGE WILDERNESS.—Cer-  
23          tain Federal land managed by the Bureau of Land  
24          Management, comprising approximately 24,413  
25          acres, as generally depicted on the map entitled

1 “Northern Lincoln County Wilderness Map”, dated  
2 June 1, 2004, which shall be known as the “White  
3 Rock Range Wilderness”.

4 (10) FORTIFICATION RANGE WILDERNESS.—  
5 Certain Federal land managed by the Bureau of  
6 Land Management, comprising approximately  
7 28,837 acres, as generally depicted on the map enti-  
8 tled “Northern Lincoln County Wilderness Map”,  
9 dated June 1, 2004, which shall be known as the  
10 “Fortification Range Wilderness”.

11 (11) FAR SOUTH EGANS WILDERNESS.—Certain  
12 Federal land managed by the Bureau of Land Man-  
13 agement, comprising approximately 36,384 acres, as  
14 generally depicted on the map entitled “Northern  
15 Lincoln County Wilderness Map”, dated June 1,  
16 2004, which shall be known as the “Far South  
17 Egans Wilderness”.

18 (12) TUNNEL SPRING WILDERNESS.—Certain  
19 Federal land managed by the Bureau of Land Man-  
20 agement, comprising approximately 5,530 acres, as  
21 generally depicted on the map entitled “Southern  
22 Lincoln County Wilderness Map”, dated June 1,  
23 2004, which shall be known as the “Tunnel Spring  
24 Wilderness”.

1           (13) BIG ROCK WILDERNESS.—Certain Federal  
2 land managed by the Bureau of Land Management,  
3 comprising approximately 13,913 acres, as generally  
4 depicted on the map entitled “Western Lincoln  
5 County Wilderness Map”, dated June 1, 2004,  
6 which shall be known as the “Big Rock Wilderness”.

7           (14) MT. IRISH WILDERNESS.—Certain Federal  
8 land managed by the Bureau of Land Management,  
9 comprising approximately 31,088 acres, as generally  
10 depicted on the map entitled “Western Lincoln  
11 County Wilderness Map”, dated June 1, 2004,  
12 which shall be known as the “Mt. Irish Wilderness”.

13          (b) BOUNDARY.—The boundary of any portion of a  
14 wilderness area designated by subsection (a) that is bor-  
15 dered by a road shall be at least 100 feet from the edge  
16 of the road to allow public access.

17          (c) MAP AND LEGAL DESCRIPTION.—

18           (1) IN GENERAL.—As soon as practicable after  
19 the date of enactment of this title, the Secretary  
20 shall file a map and legal description of each wilder-  
21 ness area designated by subsection (a) with the  
22 Committee on Resources of the House of Represent-  
23 atives and the Committee on Energy and Natural  
24 Resources of the Senate.

1           (2) EFFECT.—Each map and legal description  
2 shall have the same force and effect as if included  
3 in this section, except that the Secretary may correct  
4 clerical and typographical errors in the map or legal  
5 description.

6           (3) AVAILABILITY.—Each map and legal de-  
7 scription shall be on file and available for public in-  
8 spection in (as appropriate)—

9                   (A) the Office of the Director of the Bu-  
10 reau of Land Management;

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

13                   (C) the Ely District Office of the Bureau  
14 of Land Management; and

15                   (D) the Caliente Field Office of the Bu-  
16 reau of Land Management.

17           (d) WITHDRAWAL.—Subject to valid existing rights,  
18 the wilderness areas designated by subsection (a) are with-  
19 drawn from—

20                   (1) all forms of entry, appropriation, and dis-  
21 posal under the public land laws;

22                   (2) location, entry, and patent under the mining  
23 laws; and

24                   (3) operation of the mineral leasing, mineral  
25 materials, and geothermal leasing laws.

1 **SEC. 204. ADMINISTRATION.**

2 (a) **MANAGEMENT.**—Subject to valid existing rights,  
3 each area designated as wilderness by this title shall be  
4 administered by the Secretary in accordance with the Wil-  
5 derness Act (16 U.S.C. 1131 et seq.), except that—

6 (1) any reference in that Act to the effective  
7 date shall be considered to be a reference to the date  
8 of the enactment of this title; and

9 (2) any reference in that Act to the Secretary  
10 of Agriculture shall be considered to be a reference  
11 to the Secretary of the Interior.

12 (b) **LIVESTOCK.**—Within the wilderness areas des-  
13 igned under this title that are administered by the Bu-  
14 reau of Land Management, the grazing of livestock in  
15 areas in which grazing is established as of the date of en-  
16 actment of this title shall be allowed to continue, subject  
17 to such reasonable regulations, policies, and practices that  
18 the Secretary considers necessary, consistent with section  
19 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in-  
20 cluding the guidelines set forth in Appendix A of House  
21 Report 101–405.

22 (c) **INCORPORATION OF ACQUIRED LAND AND INTER-**  
23 **ESTS.**—Any land or interest in land within the boundaries  
24 of an area designated as wilderness by this title that is  
25 acquired by the United States after the date of the enact-  
26 ment of this title shall be added to and administered as

1 part of the wilderness area within which the acquired land  
2 or interest is located.

3 (d) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the land designated as Wilderness by  
6 this title is within the Northern Mojave Desert,  
7 is arid in nature, and includes ephemeral  
8 streams;

9 (B) the hydrology of the land designated  
10 as wilderness by this title is predominantly  
11 characterized by complex flow patterns and al-  
12 luvial fans with impermanent channels;

13 (C) the subsurface hydrogeology of the re-  
14 gion is characterized by ground water subject to  
15 local and regional flow gradients and  
16 unconfined and artesian conditions;

17 (D) the land designated as wilderness by  
18 this title is generally not suitable for use or de-  
19 velopment of new water resource facilities; and

20 (E) because of the unique nature and hy-  
21 drology of the desert land designated as wilder-  
22 ness by this title, it is possible to provide for  
23 proper management and protection of the wil-  
24 derness and other values of lands in ways dif-  
25 ferent from those used in other legislation.

1           (2) STATUTORY CONSTRUCTION.—Nothing in  
2 this title—

3           (A) shall constitute or be construed to con-  
4 stitute either an express or implied reservation  
5 by the United States of any water or water  
6 rights with respect to the land designated as  
7 wilderness by this title;

8           (B) shall affect any water rights in the  
9 State existing on the date of the enactment of  
10 this title, including any water rights held by the  
11 United States;

12           (C) shall be construed as establishing a  
13 precedent with regard to any future wilderness  
14 designations;

15           (D) shall affect the interpretation of, or  
16 any designation made pursuant to, any other  
17 Act; or

18           (E) shall be construed as limiting, altering,  
19 modifying, or amending any of the interstate  
20 compacts or equitable apportionment decrees  
21 that apportion water among and between the  
22 State and other States.

23           (3) NEVADA WATER LAW.—The Secretary shall  
24 follow the procedural and substantive requirements  
25 of the law of the State in order to obtain and hold

1 any water rights not in existence on the date of en-  
2 actment of this title with respect to the wilderness  
3 areas designated by this title.

4 (4) NEW PROJECTS.—

5 (A) WATER RESOURCE FACILITY.—As  
6 used in this paragraph, the term “water re-  
7 source facility”—

8 (i) means irrigation and pumping fa-  
9 cilities, reservoirs, water conservation  
10 works, aqueducts, canals, ditches, pipe-  
11 lines, wells, hydropower projects, and  
12 transmission and other ancillary facilities,  
13 and other water diversion, storage, and  
14 carriage structures; and

15 (ii) does not include wildlife guzzlers.

16 (B) RESTRICTION ON NEW WATER RE-  
17 SOURCE FACILITIES.—Except as otherwise pro-  
18 vided in this Act, on and after the date of the  
19 enactment of this Act, neither the President nor  
20 any other officer, employee, or agent of the  
21 United States shall fund, assist, authorize, or  
22 issue a license or permit for the development of  
23 any new water resource facility within the wil-  
24 derness areas designated by this Act.

1 **SEC. 205. ADJACENT MANAGEMENT.**

2 (a) IN GENERAL.—Congress does not intend for the  
3 designation of wilderness in the State pursuant to this  
4 title to lead to the creation of protective perimeters or  
5 buffer zones around any such wilderness area.

6 (b) NONWILDERNESS ACTIVITIES.—The fact that  
7 nonwilderness activities or uses can be seen or heard from  
8 areas within a wilderness designated under this title shall  
9 not preclude the conduct of those activities or uses outside  
10 the boundary of the wilderness area.

11 **SEC. 206. MILITARY OVERFLIGHTS.**

12 Nothing in this title restricts or precludes—

13 (1) low-level overflights of military aircraft over  
14 the areas designated as wilderness by this title, in-  
15 cluding military overflights that can be seen or  
16 heard within the wilderness areas;

17 (2) flight testing and evaluation; or

18 (3) the designation or creation of new units of  
19 special use airspace, or the establishment of military  
20 flight training routes, over the wilderness areas.

21 **SEC. 207. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
22 **USES.**

23 Nothing in this title shall be construed to diminish  
24 the rights of any Indian tribe. Nothing in this title shall  
25 be construed to diminish tribal rights regarding access to

1 Federal land for tribal activities, including spiritual, cul-  
2 tural, and traditional food-gathering activities.

3 **SEC. 208. RELEASE OF WILDERNESS STUDY AREAS.**

4 (a) FINDING.—Congress finds that, for the purposes  
5 of section 603 of the Federal Land Policy and Manage-  
6 ment Act of 1976 (43 U.S.C. 1782), the public land in  
7 the County administered by the Bureau of Land Manage-  
8 ment in the following areas has been adequately studied  
9 for wilderness designation:

10 (1) The Table Mountain Wilderness Study  
11 Area.

12 (2) Evergreen A, B, and C Wilderness Study  
13 Areas.

14 (3) Any portion of the wilderness study areas—

15 (A) not designated as wilderness by section  
16 204(a); and

17 (B) depicted as released on—

18 (i) the map entitled “Northern Lin-  
19 coln County Wilderness Map” and dated  
20 February 10, 2004;

21 (ii) the map entitled “Southern Lin-  
22 coln County Wilderness Map” and dated  
23 February 10, 2004; or

1 (iii) the map entitled “Western Lin-  
2 coln County Wilderness Map” and dated  
3 June 1, 2004.

4 (b) RELEASE.—Any public land described in sub-  
5 section (a) that is not designated as wilderness by this  
6 title—

7 (1) is no longer subject to section 603(c) of the  
8 Federal Land Policy and Management Act of 1976  
9 (43 U.S.C. 1782(c));

10 (2) shall be managed in accordance with—

11 (A) land management plans adopted under  
12 section 202 of that Act (43 U.S.C. 1712); and

13 (B) existing cooperative conservation  
14 agreements; and

15 (3) shall be subject to the Endangered Species  
16 Act of 1973 (16 U.S.C. 1531 et seq.).

17 **SEC. 209. WILDLIFE MANAGEMENT.**

18 (a) IN GENERAL.—In accordance with section  
19 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
20 nothing in this title affects or diminishes the jurisdiction  
21 of the State with respect to fish and wildlife management,  
22 including the regulation of hunting, fishing, and trapping,  
23 in the wilderness areas designated by this title.

24 (b) MANAGEMENT ACTIVITIES.—In furtherance of  
25 the purposes and principles of the Wilderness Act, man-

1 agement activities to maintain or restore fish and wildlife  
2 populations and the habitats to support such populations  
3 may be carried out within wilderness areas designated by  
4 this title where consistent with relevant wilderness man-  
5 agement plans, in accordance with appropriate policies  
6 such as those set forth in Appendix B of House Report  
7 101–405, including the occasional and temporary use of  
8 motorized vehicles, if such use, as determined by the Sec-  
9 retary, would promote healthy, viable, and more naturally  
10 distributed wildlife populations that would enhance wilder-  
11 ness values and accomplish those purposes with the min-  
12 imum impact necessary to reasonably accomplish the task.

13 (c) EXISTING ACTIVITIES.—Consistent with section  
14 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and  
15 in accordance with appropriate policies such as those set  
16 forth in Appendix B of House Report 101–405, the State  
17 may continue to use aircraft, including helicopters, to sur-  
18 vey, capture, transplant, monitor, and provide water for  
19 wildlife populations, including bighorn sheep, and feral  
20 stock, horses, and burros.

21 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—  
22 Subject to subsection (f), the Secretary shall authorize  
23 structures and facilities, including existing structures and  
24 facilities, for wildlife water development projects, including

1 guzzlers, in the wilderness areas designated by this Act  
2 if—

3           (1) the structures and facilities will, as deter-  
4           mined by the Secretary, enhance wilderness values  
5           by promoting healthy, viable, and more naturally  
6           distributed wildlife populations; and

7           (2) the visual impacts of the structures and fa-  
8           cilities on the wilderness areas can reasonably be  
9           minimized.

10       (e) HUNTING, FISHING, AND TRAPPING.—In con-  
11       sultation with the appropriate State agency (except in  
12       emergencies), the Secretary may designate by regulation  
13       areas in which, and establish periods during which, for  
14       reasons of public safety, administration, or compliance  
15       with applicable laws, no hunting, fishing, or trapping will  
16       be permitted in the wilderness areas designated by this  
17       Act.

18       (f) COOPERATIVE AGREEMENT.—The terms and con-  
19       ditions under which the State, including a designee of the  
20       State, may conduct wildlife management activities in the  
21       wilderness areas designated by this title are specified in  
22       the cooperative agreement between the Secretary and the  
23       State, entitled “Memorandum of Understanding between  
24       the Bureau of Land Management and the Nevada Depart-  
25       ment of Wildlife Supplement No. 9,” and signed Novem-

1 ber and December 2003, including any amendments to  
2 that document agreed upon by the Secretary and the State  
3 and subject to all applicable laws and regulations. Any ref-  
4 erences to Clark County in that document shall also be  
5 deemed to be referred to and shall apply to Lincoln Coun-  
6 ty, Nevada.

7 **SEC. 210. WILDFIRE MANAGEMENT.**

8 Consistent with section 4 of the Wilderness Act (16  
9 U.S.C. 1133), nothing in this title precludes a Federal,  
10 State, or local agency from conducting wildfire manage-  
11 ment operations (including operations using aircraft or  
12 mechanized equipment) to manage wildfires in the wilder-  
13 ness areas designated by this title.

14 **SEC. 211. CLIMATOLOGICAL DATA COLLECTION.**

15 Subject to such terms and conditions as the Secretary  
16 may prescribe, nothing in this title precludes the installa-  
17 tion and maintenance of hydrologic, meteorologic, or cli-  
18 matological collection devices in the wilderness areas des-  
19 ignated by this title if the facilities and access to the facili-  
20 ties are essential to flood warning, flood control, and water  
21 reservoir operation activities.

22 **TITLE III—UTILITY CORRIDORS**

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

24 (a) UTILITY CORRIDOR.—

1           (1) IN GENERAL.—Notwithstanding sections  
2           202 and 503 of the Federal Land Policy and Man-  
3           agement Act of 1976 (43 U.S.C. 1711, 1763), the  
4           Secretary of the Interior (referred to in this section  
5           as the “Secretary”) shall establish a 2,640-foot wide  
6           corridor for utilities in Lincoln County and Clark  
7           County, Nevada, as depicted on the map entitled  
8           “Lincoln County Conservation, Recreation, and De-  
9           velopment Act”, and dated June 14, 2004.

10           (2) AVAILABILITY.—Each map and legal de-  
11           scription shall be on file and available for public in-  
12           spection in (as appropriate)—

13                   (A) the Office of the Director of the Bu-  
14                   reau of Land Management;

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

17                   (C) the Ely District Office of the Bureau  
18                   of Land Management; and

19                   (D) the Caliente Field Office of the Bu-  
20                   reau of Land Management.

21           (b) RIGHTS-OF-WAY.—

22           (1) IN GENERAL.—Notwithstanding sections  
23           202 and 503 of the Federal Land Policy and Man-  
24           agement Act of 1976 (43 U.S.C. 1711, 1763), the  
25           Secretary shall grant to the Southern Nevada Water

1 Authority and the Lincoln County Water District  
2 rights-of-way to Federal land in Lincoln County and  
3 Clark County, Nevada, for any roads, wells, well  
4 fields, pipes, pipelines, pump stations, storage facili-  
5 ties, or other facilities and systems that are nec-  
6 essary for the construction and operation of a water  
7 conveyance system, as depicted on the map.

8 (2) APPLICABLE LAW.—A right-of-way granted  
9 under paragraph (1) shall be managed in accordance  
10 with section 4 of the Southern Nevada Public Land  
11 Management Act of 1998 (112 Stat. 2344).

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

18 (c) WITHDRAWAL.—Subject to valid existing rights,  
19 the utility corridors designated by subsection (a) are with-  
20 drawn from—

21 (1) all forms of entry, appropriation, and dis-  
22 posal under the public land laws;

23 (2) location, entry, and patent under the mining  
24 laws; and

1           (3) operation of the mineral leasing, mineral  
2 materials, and geothermal leasing laws.

3           (d) STATE WATER LAW.—Nothing in this title  
4 shall—

5           (1) prejudice the decisions or abrogate the ju-  
6 risdiction of the Nevada State Engineer with respect  
7 to the appropriation, permitting, certification, or ad-  
8 judication of water rights;

9           (2) preempt Nevada State water law; or

10           (3) limit or supersede existing water rights or  
11 interest in water rights under Nevada State law.

12           (e) WATER RESOURCES STUDY.—

13           (1) IN GENERAL.—The Secretary, acting  
14 through the United States Geological Survey and the  
15 Desert Research Institute, shall conduct a study to  
16 investigate ground water quantity, quality, and flow  
17 characteristics in the deep carbonate and alluvial  
18 aquifers of White Pine County, Nevada. The study  
19 shall—

20           (A) include new and review of existing  
21 data;

22           (B) determine the volume of water stored  
23 in aquifers in those areas;

24           (C) determine the discharge and recharge  
25 characteristics of each aquifer system;

1 (D) determine the hydrogeologic and other  
2 controls that govern the discharge and recharge  
3 of each aquifer system; and

4 (E) develop maps at a consistent scale de-  
5 picting aquifer systems and the recharge and  
6 discharge areas of such systems.

7 (2) **TIMING; AVAILABILITY.**—The Secretary  
8 shall complete a draft of the water resources report  
9 required under paragraph (1) not later than 30  
10 months after the date of the enactment of this Act.  
11 The Secretary shall then make the draft report  
12 available for public comment for a period of not less  
13 than 60 days. The final report shall be submitted to  
14 the Committee on Resources in the House of Rep-  
15 resentatives and the Committee on Energy and Nat-  
16 ural Resources in the Senate and made available to  
17 the public not later than 36 months after the date  
18 of the enactment of this Act.

19 **SEC. 302. RELOCATION OF RIGHT-OF-WAY AND UTILITY**  
20 **CORRIDORS LOCATED IN CLARK AND LIN-**  
21 **COLN COUNTIES IN THE STATE OF NEVADA.**

22 (a) **DEFINITIONS.**—In this section:

23 (1) **AGREEMENT.**—The term “Agreement”  
24 means the land exchange agreement between

1 Aerojet-General Corporation and the United States,  
2 dated July 14, 1988.

3 (2) CORRIDOR.—The term “corridor” means—

4 (A) the right-of-way corridor that is—

5 (i) identified in section 5(b)(1) of the  
6 Nevada-Florida Land Exchange Authoriza-  
7 tion Act of 1988 (102 Stat. 55); and

8 (ii) described in section 14(a) of the  
9 Agreement;

10 (B) such portion of the utility corridor  
11 identified in the 1988 Las Vegas Resource  
12 Management Plan located south of the bound-  
13 ary of the corridor described in subparagraph  
14 (A) as is necessary to relocate the right-of-way  
15 corridor to the area described in subsection  
16 (c)(2); and

17 (C) such portion of the utility corridor  
18 identified in the 2000 Caliente Management  
19 Framework Plan Amendment located north of  
20 the boundary of the corridor described in sub-  
21 paragraph (A) as is necessary to relocate the  
22 right-of-way corridor to the area described in  
23 subsection (c)(2).

24 (3) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1 (b) RELINQUISHMENT AND FAIR MARKET VALUE.—

2 (1) IN GENERAL.—The Secretary shall, in ac-  
3 cordance with this section, relinquish all right, title,  
4 and interest of the United States in and to the cor-  
5 ridor on receipt of a payment in an amount equal  
6 to the fair market value of the corridor (plus any  
7 costs relating to the right-of-way relocation de-  
8 scribed in this title).

9 (2) FAIR MARKET VALUE.—The fair market  
10 value of the corridor shall be determined based on  
11 the amount of the discount described in the Agree-  
12 ment that was applied to the land underlying the  
13 corridor, as adjusted for inflation in accordance with  
14 the Consumer Price Index for the West Urban area  
15 as of the date of enactment of this title.

16 (c) RELOCATION.—

17 (1) IN GENERAL.—The Secretary shall relocate  
18 to the area described in paragraph (2), the portion  
19 of IDI-26446 and UTU-73363 identified as NVN-  
20 49781 that is located in the corridor relinquished  
21 under subsection (b)(1).

22 (2) DESCRIPTION OF AREA.—The area referred  
23 to in paragraph (1) consists of an area—

24 (A) 1,000 feet wide; and

1 (B) located west of and parallel to the cen-  
2 terline of United States Route 93.

3 (3) REQUIREMENTS.—The relocation under  
4 paragraph (1) shall be conducted in a manner  
5 that—

6 (A) minimizes engineering design changes;  
7 and

8 (B) maintains a gradual and smooth inter-  
9 connection of the corridor with the area de-  
10 scribed in paragraph (2).

11 (4) AUTHORIZED USES.—The Secretary may  
12 authorize the location of any above ground or under-  
13 ground utility facility, transmission lines, gas pipe-  
14 lines, natural gas pipelines, fiber optics, tele-  
15 communications, water lines, wells (including moni-  
16 toring wells), cable television, and any related appur-  
17 tenances in the area described in paragraph (1).

18 (d) EFFECT.—The relocation of the corridor under  
19 subsection (c) shall not require the Secretary to—

20 (1) update the 1998 Las Vegas Valley Resource  
21 Management Plan or the 2000 Caliente Management  
22 Framework Plan Amendment; or

23 (2) undertake any further environmental assess-  
24 ment work before the relocation of the corridor.

1 (e) WAIVER OF CERTAIN REQUIREMENTS.—The Sec-  
2 retary shall waive the requirements of the Federal Land  
3 Policy and Management Act of 1976 (43 U.S.C. 1701 et  
4 seq.) that would otherwise be applicable to the holders of  
5 the right-of-way corridor described in subsection (a)(2)(A)  
6 with respect to an amendment to the legal description of  
7 the right-of-way corridor.

8 **TITLE IV—SILVER STATE OFF-**  
9 **HIGHWAY VEHICLE TRAIL**

10 **SEC. 401. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.**

11 (a) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior.

14 (2) MAP.—The term “Map” means the map en-  
15 titled “Lincoln County Conservation, Recreation and  
16 Development Act Map” and dated June 14, 2004.

17 (3) TRAIL.—The term “Trail” means the sys-  
18 tem of trails designated in subsection (b) as the Sil-  
19 ver State Off-Highway Vehicle Trail.

20 (b) DESIGNATION.—The trails that are depicted on  
21 the Map are hereby designated as the “Silver State Off-  
22 Highway Vehicle Trail”.

23 (c) MANAGEMENT.—

24 (1) IN GENERAL.—The Secretary shall manage  
25 the Trail in a manner that—

1 (A) is consistent with motorized and  
2 mechanized use of the Trail that is authorized  
3 on the date of the enactment of this title pursu-  
4 ant to applicable Federal and State laws and  
5 regulations;

6 (B) ensures the safety of the people who  
7 use the Trail; and

8 (C) does not damage sensitive habitat or  
9 cultural resources.

10 (2) MANAGEMENT PLAN.—

11 (A) IN GENERAL.—Not later than 2 years  
12 after the date of the enactment of this title, the  
13 Secretary, in consultation with the State, the  
14 County, and any other interested persons, shall  
15 complete a management plan for the Trail.

16 (B) COMPONENTS.—The management plan  
17 shall—

18 (i) describe the appropriate uses and  
19 management of the Trail;

20 (ii) authorize the use of motorized and  
21 mechanized vehicles on the Trail; and

22 (iii) describe monitoring and enforce-  
23 ment actions carried out to minimize envi-  
24 ronmental impacts and prevent damage to

1 cultural resources from the use of the  
2 Trail.

3 (3) CLOSURES.—

4 (A) IN GENERAL.—The Secretary, in con-  
5 sultation with the State and the County, may  
6 temporarily close a portion of the Trail if the  
7 Secretary determines that—

8 (i) the Trail is having an adverse im-  
9 pact on—

10 (I) natural resources; or

11 (II) cultural resources;

12 (ii) the Trail threatens public safety;

13 (iii) closure of the Trail is necessary  
14 to repair damage to the Trail; or

15 (iv) closure of the Trail is necessary  
16 to repair resource damage.

17 (B) NOTICE.—The Secretary shall provide  
18 information to the public regarding any routes  
19 on the Trail that are closed under subpara-  
20 graph (A), including by providing appropriate  
21 signage along the Trail.

22 (4) NOTICE OF OPEN ROUTES.—The Secretary  
23 shall ensure that visitors to the Trail have access to  
24 adequate notice regarding the routes on the Trail  
25 that are open through use of appropriate signage

1 along the Trail and other information considered ap-  
2 propriate by the Secretary.

3 (d) NO EFFECT ON NON-FEDERAL LAND AND IN-  
4 TERESTS IN LAND.—Nothing in this section shall be con-  
5 strued to affect ownership, management, or other rights  
6 related to non-Federal land or interests in land.

7 (e) MAP ON FILE.—The Map shall be kept on file  
8 at the appropriate offices of the Secretary.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated such sums as are nec-  
11 essary to carry out this section.

## 12 **TITLE V—OPEN SPACE PARKS**

### 13 **SEC. 501. OPEN SPACE PARK CONVEYANCE TO LINCOLN** 14 **COUNTY, NEVADA.**

15 (a) CONVEYANCE.—Notwithstanding section 202 and  
16 203 of the Federal Land Policy and Management Act of  
17 1976 (43 U.S.C. 1171, 1712), the Secretary may convey  
18 to the County, subject to valid existing rights, for no con-  
19 sideration, all right title, and interest of the United States  
20 in and to the parcels of land described in subsection (b).

21 (b) DESCRIPTION OF LAND.—The parcels of land re-  
22 ferred to in subsection (a) are the parcels of land depicted  
23 as “Lincoln County Parks Proposal” on the map entitled  
24 “Lincoln County Conservation, Recreation, and Develop-  
25 ment Act Map” and dated June 1, 2004.

1 (c) COSTS.—Any costs relating to any conveyance  
2 under subsection (a), including costs for surveys and other  
3 administrative costs, shall be paid by the County, or in  
4 accordance with section 104(b)(2) of this Act.

5 (d) USE OF LAND.—

6 (1) IN GENERAL.—Any parcel of land conveyed  
7 to the County under subsection (a) shall be used  
8 only for—

9 (A) the conservation of natural resources;

10 or

11 (B) public parks.

12 (2) FACILITIES.—Any facility on a parcel of  
13 land conveyed under subsection (a) shall be con-  
14 structed and managed in a manner consistent with  
15 the uses described in paragraph (1).

16 (e) REVERSION.—If a parcel of land conveyed under  
17 subsection (a) is used in a manner that is inconsistent  
18 with the uses specified in subsection (d), the parcel of land  
19 shall, if determined to be appropriate by the Secretary,  
20 revert to the United States.

21 **SEC. 502. OPEN SPACE PARK CONVEYANCE TO THE STATE**  
22 **OF NEVADA.**

23 (a) CONVEYANCE.—Notwithstanding section 202 of  
24 the Federal Land Policy and Management Act of 1976  
25 (43 U.S.C. 1712), the Secretary may convey to the State

1 of Nevada, subject to valid existing rights, for no consider-  
2 ation, all right, title, and interest of the United States in  
3 and to the parcels of land described in subsection (b), if  
4 there is a written agreement between the State and Lin-  
5 coln County, Nevada, supporting such a conveyance.

6 (b) DESCRIPTION OF LAND.—The parcels of land re-  
7 ferred to in subsection (a) are the parcels of land depicted  
8 as “NV St. Park Expansion Proposal” on the map entitled  
9 “Lincoln County Conservation, Recreation, and Develop-  
10 ment Act Map” and dated June 1, 2004.

11 (c) COSTS.—Any costs relating to any conveyance  
12 under subsection (a), including costs for surveys and other  
13 administrative costs, shall be paid by the State.

14 (d) USE OF LAND.—

15 (1) IN GENERAL.—Any parcel of land conveyed  
16 to the State under subsection (a) shall be used only  
17 for—

18 (A) the conservation of natural resources;

19 or

20 (B) public parks.

21 (2) FACILITIES.—Any facility on a parcel of  
22 land conveyed under subsection (a) shall be con-  
23 structed and managed in a manner consistent with  
24 the uses described in paragraph (1).

1 (e) REVERSION.—If a parcel of land conveyed under  
2 subsection (a) is used in a manner that is inconsistent  
3 with the uses specified in subsection (d), the parcel of land  
4 shall, if determined to be appropriate by the Secretary,  
5 revert to the United States.

## 6 **TITLE VI—JURISDICTION** 7 **TRANSFER**

### 8 **SEC. 601. TRANSFER OF ADMINISTRATIVE JURISDICTION** 9 **BETWEEN THE FISH AND WILDLIFE SERVICE** 10 **AND THE BUREAU OF LAND MANAGEMENT.**

11 (a) IN GENERAL.—Administrative jurisdiction over  
12 the land described in subsection (b) is transferred from  
13 the United States Bureau of Land Management to the  
14 United States Fish and Wildlife Service for inclusion in  
15 the Desert National Wildlife Range and the administrative  
16 jurisdiction over the land described in subsection (c) is  
17 transferred from the United States Fish and Wildlife  
18 Service to the United States Bureau of Land Manage-  
19 ment.

20 (b) DESCRIPTION OF LAND.—The parcel of land re-  
21 ferred to in subsection (a) is the approximately 8,503  
22 acres of land administered by the United States Bureau  
23 of Land Management as generally depicted on the map  
24 entitled “Lincoln County Conservation, Recreation, and  
25 Development Act Map” and identified as “Lands to be

1 transferred to the Fish and Wildlife Service” and dated  
2 June 1, 2004.

3 (c) DESCRIPTION OF LAND.—The parcel of land re-  
4 ferred to in subsection (a) is the approximately 8,382  
5 acres of land administered by the United States Fish and  
6 Wildlife Service as generally depicted on the map entitled  
7 “Lincoln County Conservation, Recreation, and Develop-  
8 ment Act Map” and identified as “Lands to be transferred  
9 to the Bureau of Land Management” and dated June 1,  
10 2004.

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

14 (1) the Office of the Director of the Bureau of  
15 Land Management;

16 (2) the Office of the State Director of the Bu-  
17 reau of Land Management;

18 (3) the Ely District Office of the Bureau of  
19 Land Management; and

20 (4) the Caliente Field Office of the Bureau of  
21 Land Management.

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