

113TH CONGRESS
1ST SESSION

H. R. 697

IN THE SENATE OF THE UNITED STATES

JULY 23, 2013

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the conveyance of certain Federal land in
Clark County, Nevada, for the environmental remediation
and reclamation of the Three Kids Mine Project Site,
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Three Kids Mine Re-
3 mediation and Reclamation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL LAND.**—The term “Federal land”
7 means the approximately 948 acres of Bureau of
8 Reclamation and Bureau of Land Management land
9 within the Three Kids Mine Project Site, as depicted
10 on the map.

11 (2) **HAZARDOUS SUBSTANCE; POLLUTANT OR**
12 **CONTAMINANT; REMEDY.**—The terms “hazardous
13 substance”, “pollutant or contaminant”, and “rem-
14 edy” have the meanings given those terms in section
15 101 of the Comprehensive Environmental Response,
16 Compensation, and Liability Act of 1980 (42 U.S.C.
17 9601).

18 (3) **HENDERSON REDEVELOPMENT AGENCY.**—
19 The term “Henderson Redevelopment Agency”
20 means the redevelopment agency of the City of Hen-
21 derson, Nevada, established and authorized to trans-
22 act business and exercise the powers of the agency
23 in accordance with the Nevada Community Redevel-
24 opment Law (Nev. Rev. Stat. 279.382 to 279.685).

1 (4) MAP.—The term “map” means the map en-
 2 titled “Three Kids Mine Project Area” and dated
 3 February 6, 2012.

4 (5) RESPONSIBLE PARTY.—The term “Respon-
 5 sible Party” means the private sector entity des-
 6 ignated by the Henderson Redevelopment Agency,
 7 and approved by the State of Nevada, to complete
 8 the assessment, remediation, reclamation and rede-
 9 velopment of the Three Kids Mine Project Site).

10 (6) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior.

12 (7) STATE.—The term “State” means the State
 13 of Nevada.

14 (8) THREE KIDS MINE PROJECT SITE.—The
 15 term “Three Kids Mine Project Site” means the ap-
 16 proximately 1,262 acres of land that is—

17 (A) comprised of—

18 (i) the Federal land; and

19 (ii) the approximately 314 acres of
 20 adjacent non-Federal land; and

21 (B) depicted as the “Three Kids Mine
 22 Project Site” on the map.

23 **SEC. 3. LAND CONVEYANCE.**

24 (a) IN GENERAL.—Notwithstanding sections 202 and
 25 203 of the Federal Land Policy and Management Act of

1 1976 (43 U.S.C. 1712, 1713), not later than 90 days after
2 the date on which the Secretary determines that the condi-
3 tions described in subsection (b) have been met, and sub-
4 ject to valid existing rights and applicable law, the Sec-
5 retary shall convey to the Henderson Redevelopment
6 Agency all right, title, and interest of the United States
7 in and to the Federal land.

8 (b) CONDITIONS.—

9 (1) APPRAISAL; FAIR MARKET VALUE.—

10 (A) IN GENERAL.—As consideration for
11 the conveyance under subsection (a), the Hen-
12 derson Redevelopment Agency shall pay the fair
13 market value of the Federal land, if any, as de-
14 termined under subparagraph (B) and as ad-
15 justed under subparagraph (F).

16 (B) APPRAISAL.—The Secretary shall de-
17 termine the fair market value of the Federal
18 land based on an appraisal—

19 (i) that is conducted in accordance
20 with nationally recognized appraisal stand-
21 ards, including—

22 (I) the Uniform Appraisal Stand-
23 ards for Federal Land Acquisitions;
24 and

1 (II) the Uniform Standards of
2 Professional Appraisal Practice; and
3 (ii) that does not take into account
4 any existing contamination associated with
5 historical mining on the Federal land.

6 (C) REMEDIATION AND RECLAMATION
7 COSTS.—

8 (i) IN GENERAL.—The Secretary shall
9 prepare a reasonable estimate of the costs
10 to assess, remediate, and reclaim the Three
11 Kids Mine Project Site.

12 (ii) CONSIDERATIONS.—The estimate
13 prepared under clause (i) shall be—

14 (I) based on the results of a com-
15 prehensive Phase II environmental
16 site assessment of the Three Kids
17 Mine Project Site prepared by the
18 Henderson Redevelopment Agency or
19 a Responsible Party that has been ap-
20 proved by the State; and

21 (II) prepared in accordance with
22 the current version of the ASTM
23 International Standard E-2137-06
24 (2011) entitled “Standard Guide for

1 Estimating Monetary Costs and Li-
2 abilities for Environmental Matters”.

3 (iii) ASSESSMENT REQUIREMENTS.—

4 The Phase II environmental site assess-
5 ment prepared under clause (ii)(I) shall,
6 without limiting any additional require-
7 ments that may be required by the State,
8 be conducted in accordance with the proce-
9 dures of—

10 (I) the most recent version of
11 ASTM International Standard E-
12 1527–05 entitled “Standard Practice
13 for Environmental Site Assessments:
14 Phase I Environmental Site Assess-
15 ment Process”; and

16 (II) the most recent version of
17 ASTM International Standard E-
18 1903–11 entitled “Standard Guide for
19 Environmental Site Assessments:
20 Phase II Environmental Site Assess-
21 ment Process”.

22 (iv) REVIEW OF CERTAIN INFORMA-
23 TION.—

24 (I) IN GENERAL.—The Secretary
25 shall review and consider cost infor-

1 mation proffered by the Henderson
2 Redevelopment Agency, the Respon-
3 sible Party, and the State in the prep-
4 aration of the estimate under this
5 subparagraph.

6 (II) FINAL DETERMINATION.—If
7 there is a disagreement among the
8 Secretary, Henderson Redevelopment
9 Agency, and the State over the rea-
10 sonable estimate of costs under this
11 subparagraph, the parties shall jointly
12 select 1 or more experts to assist the
13 Secretary in making the final estimate
14 of the costs.

15 (D) DEADLINE.—Not later than 30 days
16 after the date of enactment of this Act, the Sec-
17 retary shall begin the appraisal and cost esti-
18 mates under subparagraphs (B) and (C), re-
19 spectively.

20 (E) APPRAISAL COSTS.—The Henderson
21 Redevelopment Agency or the Responsible
22 Party shall reimburse the Secretary for the
23 costs incurred in performing the appraisal
24 under subparagraph (B).

1 (F) ADJUSTMENT.—The Secretary shall
2 administratively adjust the fair market value of
3 the Federal land, as determined under subpara-
4 graph (B), based on the estimate of remedi-
5 ation, and reclamation costs, as determined
6 under subparagraph (C).

7 (2) MINE REMEDIATION AND RECLAMATION
8 AGREEMENT EXECUTED.—

9 (A) IN GENERAL.—The conveyance under
10 subsection (a) shall be contingent on—

11 (i) the Secretary receiving from the
12 State written notification that a mine re-
13 mediation and reclamation agreement has
14 been executed in accordance with subpara-
15 graph (B); and

16 (ii) the Secretary concurring, not later
17 than 30 days after the date of receipt of
18 the written notification under clause (i),
19 that the requirements under subparagraph
20 (B) have been met.

21 (B) REQUIREMENTS.—The mine remedi-
22 ation and reclamation agreement required
23 under subparagraph (A) shall be an enforceable
24 consent order or agreement between the State
25 and the Responsible Party who will be obligated

1 to perform under the consent order or agree-
2 ment administered by the State that—

3 (i) obligates the Responsible Party to
4 perform, after the conveyance of the Fed-
5 eral land under this Act, the remediation
6 and reclamation work at the Three Kids
7 Mine Project Site necessary to ensure all
8 remedial actions necessary to protect
9 human health and the environment with
10 respect to any hazardous substances, pol-
11 lutant, or contaminant will be taken, in ac-
12 cordance with all Federal, State, and local
13 requirements; and

14 (ii) contains provisions determined to
15 be necessary by the State and the Hender-
16 son Redevelopment Agency, including fi-
17 nancial assurance provisions to ensure the
18 completion of the remedy.

19 (3) NOTIFICATION FROM AGENCY.—As a condi-
20 tion of the conveyance under subsection (a), not
21 later than 90 days after the date of execution of the
22 mine remediation and reclamation agreement re-
23 quired under paragraph (2), the Secretary shall ac-
24 cept written notification from the Henderson Rede-
25 velopment Agency that the Henderson Redevelop-

1 ment Agency is prepared to accept conveyance of the
2 Federal land under subsection (a).

3 **SEC. 4. WITHDRAWAL.**

4 (a) IN GENERAL.—Subject to valid existing rights,
5 for the 10-year period beginning on the earlier of the date
6 of enactment of this Act or the date of the conveyance
7 required by this Act, the Federal land is withdrawn from
8 all forms of—

9 (1) entry, appropriation, operation, or disposal
10 under the public land laws;

11 (2) location, entry, and patent under the mining
12 laws; and

13 (3) disposition under the mineral leasing, min-
14 eral materials, and the geothermal leasing laws.

15 (b) EXISTING RECLAMATION WITHDRAWALS.—Sub-
16 ject to valid existing rights, any withdrawal under the pub-
17 lic land laws that includes all or any portion of the Federal
18 land for which the Bureau of Reclamation has determined
19 that the Bureau of Reclamation has no further need under
20 applicable law is relinquished and revoked solely to the ex-
21 tent necessary—

22 (1) to exclude from the withdrawal the property
23 that is no longer needed; and

24 (2) to allow for the immediate conveyance of
25 the Federal land as required under this Act.

1 (c) EXISTING RECLAMATION PROJECT AND PER-
2 MITTED FACILITIES.—Except as provided in subsection
3 (a), nothing in this Act diminishes, hinders, or interferes
4 with the exclusive and perpetual use by the existing rights
5 holders for the operation, maintenance, and improvement
6 of water conveyance infrastructure and facilities, including
7 all necessary ingress and egress, situated on the Federal
8 land that were constructed or permitted by the Bureau
9 of Reclamation before the effective date of this Act.

10 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

11 Notwithstanding section 203 of the Federal Land
12 Policy and Management Act of 1976 (43 U.S.C. 1713),
13 the boundary of the River Mountains Area of Critical En-
14 vironmental Concern (NVN 76884) is adjusted to exclude
15 any portion of the Three Kids Mine Project Site consistent
16 with the map.

17 **SEC. 6. RESPONSIBILITIES OF THE PARTIES.**

18 (a) RESPONSIBILITY OF PARTIES TO MINE REMEDI-
19 ATION AND RECLAMATION AGREEMENT.—On completion
20 of the conveyance under section 3, the responsibility for
21 complying with the mine remediation and reclamation
22 agreement executed under section 3(b)(2) shall apply to
23 the Responsible Party and the State of Nevada.

24 (b) SAVINGS PROVISION.—If the conveyance under
25 this Act has occurred, but the terms of the agreement exe-

1 cuted under section 3(b)(2) have not been met, nothing
2 in this Act—

3 (1) affects the responsibility of the Secretary to
4 take any additional response action necessary to pro-
5 tect public health and the environment from a re-
6 lease or the threat of a release of a hazardous sub-
7 stance, pollutant, or contaminant; or

8 (2) unless otherwise expressly provided, modi-
9 fies, limits, or otherwise affects—

10 (A) the application of, or obligation to
11 comply with, any law, including any environ-
12 mental or public health law; or

13 (B) the authority of the United States to
14 enforce compliance with the requirements of
15 any law or the agreement executed under sec-
16 tion 3(b)(2).

1 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**
2 **ACT.**

3 Southern Nevada Public Land Management Act of
4 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall
5 not apply to land conveyed under this Act.

Passed the House of Representatives July 22, 2013.

Attest:

KAREN L. HAAS,

Clerk.