

Calendar No. **353**113TH CONGRESS
2^D SESSION**H. R. 697****[Report No. 113-147]**

IN THE SENATE OF THE UNITED STATES

JULY 23, 2013

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

APRIL 8, 2014

Reported by Ms. LANDRIEU, without amendment

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FEDERAL LAND.—The term “Federal land”
2 means the approximately 948 acres of Bureau of
3 Reclamation and Bureau of Land Management land
4 within the Three Kids Mine Project Site, as depicted
5 on the map.

6 (2) HAZARDOUS SUBSTANCE; POLLUTANT OR
7 CONTAMINANT; REMEDY.—The terms “hazardous
8 substance”, “pollutant or contaminant”, and “rem-
9 edy” have the meanings given those terms in section
10 101 of the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980 (42 U.S.C.
12 9601).

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

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

23 (5) RESPONSIBLE PARTY.—The term “Respon-
24 sible Party” means the private sector entity des-
25 ignated by the Henderson Redevelopment Agency,

1 and approved by the State of Nevada, to complete
2 the assessment, remediation, reclamation and rede-
3 velopment of the Three Kids Mine Project Site).

4 (6) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

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

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

11 (A) comprised of—

12 (i) the Federal land; and

13 (ii) the approximately 314 acres of
14 adjacent non-Federal land; and

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

17 **SEC. 3. LAND CONVEYANCE.**

18 (a) IN GENERAL.—Notwithstanding sections 202 and
19 203 of the Federal Land Policy and Management Act of
20 1976 (43 U.S.C. 1712, 1713), not later than 90 days after
21 the date on which the Secretary determines that the condi-
22 tions described in subsection (b) have been met, and sub-
23 ject to valid existing rights and applicable law, the Sec-
24 retary shall convey to the Henderson Redevelopment

1 Agency all right, title, and interest of the United States
2 in and to the Federal land.

3 (b) CONDITIONS.—

4 (1) APPRAISAL; FAIR MARKET VALUE.—

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

11 (B) APPRAISAL.—The Secretary shall de-
12 termine the fair market value of the Federal
13 land based on an appraisal—

14 (i) that is conducted in accordance
15 with nationally recognized appraisal stand-
16 ards, including—

17 (I) the Uniform Appraisal Stand-
18 ards for Federal Land Acquisitions;
19 and

20 (II) the Uniform Standards of
21 Professional Appraisal Practice; and

22 (ii) that does not take into account
23 any existing contamination associated with
24 historical mining on the Federal land.

1 (C) REMEDIATION AND RECLAMATION
2 COSTS.—

3 (i) IN GENERAL.—The Secretary shall
4 prepare a reasonable estimate of the costs
5 to assess, remediate, and reclaim the Three
6 Kids Mine Project Site.

7 (ii) CONSIDERATIONS.—The estimate
8 prepared under clause (i) shall be—

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

16 (II) prepared in accordance with
17 the current version of the ASTM
18 International Standard E-2137-06
19 (2011) entitled “Standard Guide for
20 Estimating Monetary Costs and Li-
21 abilities for Environmental Matters”.

22 (iii) ASSESSMENT REQUIREMENTS.—
23 The Phase II environmental site assess-
24 ment prepared under clause (ii)(I) shall,
25 without limiting any additional require-

1 ments that may be required by the State,
2 be conducted in accordance with the proce-
3 dures of—

4 (I) the most recent version of
5 ASTM International Standard E-
6 1527-05 entitled “Standard Practice
7 for Environmental Site Assessments:
8 Phase I Environmental Site Assess-
9 ment Process”; and

10 (II) the most recent version of
11 ASTM International Standard E-
12 1903-11 entitled “Standard Guide for
13 Environmental Site Assessments:
14 Phase II Environmental Site Assess-
15 ment Process”.

16 (iv) REVIEW OF CERTAIN INFORMA-
17 TION.—

18 (I) IN GENERAL.—The Secretary
19 shall review and consider cost infor-
20 mation proffered by the Henderson
21 Redevelopment Agency, the Respon-
22 sible Party, and the State in the prep-
23 aration of the estimate under this
24 subparagraph.

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

10 (D) DEADLINE.—Not later than 30 days
11 after the date of enactment of this Act, the Sec-
12 retary shall begin the appraisal and cost esti-
13 mates under subparagraphs (B) and (C), re-
14 spectively.

15 (E) APPRAISAL COSTS.—The Henderson
16 Redevelopment Agency or the Responsible
17 Party shall reimburse the Secretary for the
18 costs incurred in performing the appraisal
19 under subparagraph (B).

20 (F) ADJUSTMENT.—The Secretary shall
21 administratively adjust the fair market value of
22 the Federal land, as determined under subpara-
23 graph (B), based on the estimate of remedi-
24 ation, and reclamation costs, as determined
25 under subparagraph (C).

1 (2) MINE REMEDIATION AND RECLAMATION
2 AGREEMENT EXECUTED.—

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

5 (i) the Secretary receiving from the
6 State written notification that a mine re-
7 mediation and reclamation agreement has
8 been executed in accordance with subpara-
9 graph (B); and

10 (ii) the Secretary concurring, not later
11 than 30 days after the date of receipt of
12 the written notification under clause (i),
13 that the requirements under subparagraph
14 (B) have been met.

15 (B) REQUIREMENTS.—The mine remedi-
16 ation and reclamation agreement required
17 under subparagraph (A) shall be an enforceable
18 consent order or agreement between the State
19 and the Responsible Party who will be obligated
20 to perform under the consent order or agree-
21 ment administered by the State that—

22 (i) obligates the Responsible Party to
23 perform, after the conveyance of the Fed-
24 eral land under this Act, the remediation
25 and reclamation work at the Three Kids

1 Mine Project Site necessary to ensure all
2 remedial actions necessary to protect
3 human health and the environment with
4 respect to any hazardous substances, pol-
5 lutant, or contaminant will be taken, in ac-
6 cordance with all Federal, State, and local
7 requirements; and

8 (ii) contains provisions determined to
9 be necessary by the State and the Hender-
10 son Redevelopment Agency, including fi-
11 nancial assurance provisions to ensure the
12 completion of the remedy.

13 (3) NOTIFICATION FROM AGENCY.—As a condi-
14 tion of the conveyance under subsection (a), not
15 later than 90 days after the date of execution of the
16 mine remediation and reclamation agreement re-
17 quired under paragraph (2), the Secretary shall ac-
18 cept written notification from the Henderson Rede-
19 velopment Agency that the Henderson Redevelop-
20 ment Agency is prepared to accept conveyance of the
21 Federal land under subsection (a).

22 **SEC. 4. WITHDRAWAL.**

23 (a) IN GENERAL.—Subject to valid existing rights,
24 for the 10-year period beginning on the earlier of the date
25 of enactment of this Act or the date of the conveyance

1 required by this Act, the Federal land is withdrawn from
2 all forms of—

3 (1) entry, appropriation, operation, or disposal
4 under the public land laws;

5 (2) location, entry, and patent under the mining
6 laws; and

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

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

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

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

20 (c) EXISTING RECLAMATION PROJECT AND PER-
21 MITTED FACILITIES.—Except as provided in subsection
22 (a), nothing in this Act diminishes, hinders, or interferes
23 with the exclusive and perpetual use by the existing rights
24 holders for the operation, maintenance, and improvement
25 of water conveyance infrastructure and facilities, including

1 all necessary ingress and egress, situated on the Federal
2 land that were constructed or permitted by the Bureau
3 of Reclamation before the effective date of this Act.

4 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

5 Notwithstanding section 203 of the Federal Land
6 Policy and Management Act of 1976 (43 U.S.C. 1713),
7 the boundary of the River Mountains Area of Critical En-
8 vironmental Concern (NVN 76884) is adjusted to exclude
9 any portion of the Three Kids Mine Project Site consistent
10 with the map.

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

12 (a) RESPONSIBILITY OF PARTIES TO MINE REMEDI-
13 ATION AND RECLAMATION AGREEMENT.—On completion
14 of the conveyance under section 3, the responsibility for
15 complying with the mine remediation and reclamation
16 agreement executed under section 3(b)(2) shall apply to
17 the Responsible Party and the State of Nevada.

18 (b) SAVINGS PROVISION.—If the conveyance under
19 this Act has occurred, but the terms of the agreement exe-
20 cuted under section 3(b)(2) have not been met, nothing
21 in this Act—

22 (1) affects the responsibility of the Secretary to
23 take any additional response action necessary to pro-
24 tect public health and the environment from a re-

1 lease or the threat of a release of a hazardous sub-
2 stance, pollutant, or contaminant; or

3 (2) unless otherwise expressly provided, modi-
4 fies, limits, or otherwise affects—

5 (A) the application of, or obligation to
6 comply with, any law, including any environ-
7 mental or public health law; or

8 (B) the authority of the United States to
9 enforce compliance with the requirements of
10 any law or the agreement executed under sec-
11 tion 3(b)(2).

12 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**

13 **ACT.**

14 Southern Nevada Public Land Management Act of
15 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall
16 not apply to land conveyed under this Act.

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