

113TH CONGRESS
1ST SESSION

S. 159

To designate the Wovoka Wilderness and provide for certain land conveyances in Lyon County, Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2013

Mr. HELLER (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate the Wovoka Wilderness and provide for certain land conveyances in Lyon 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lyon County Economic Development and Conservation
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Land conveyance to Yerington, Nevada.

Sec. 3. Addition to National Wilderness Preservation System.

Sec. 4. Withdrawal.

Sec. 5. Native American cultural and religious uses.

1 **SEC. 2. LAND CONVEYANCE TO YERINGTON, NEVADA.**

2 (a) DEFINITIONS.—In this section:

3 (1) CITY.—The term “City” means the city of
4 Yerington, Nevada.

5 (2) FEDERAL LAND.—The term “Federal land”
6 means the land located in Lyon County and Mineral
7 County, Nevada, that is identified on the map as
8 “City of Yerington Sustainable Development Con-
9 veyance Lands”.

10 (3) MAP.—The term “map” means the map en-
11 titled “Yerington Land Conveyance” and dated De-
12 cember 19, 2012.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (b) CONVEYANCES OF LAND TO CITY OF YERINGTON,
16 NEVADA.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, subject to
19 valid existing rights and notwithstanding the land
20 use planning requirements of sections 202 and 203
21 of the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1712, 1713), the Secretary shall
23 convey to the City, subject to the agreement of the
24 City, all right, title, and interest of the United

1 States in and to the Federal land identified on the
2 map.

3 (2) APPRAISAL TO DETERMINE FAIR MARKET
4 VALUE.—The Secretary shall determine the fair
5 market value of the Federal land to be conveyed—

6 (A) in accordance with the Federal Land
7 Policy and Management Act of 1976 (43 U.S.C.
8 1701 et seq.); and

9 (B) based on an appraisal that is con-
10 ducted in accordance with—

11 (i) the Uniform Appraisal Standards
12 for Federal Land Acquisition; and

13 (ii) the Uniform Standards of Profes-
14 sional Appraisal Practice.

15 (3) AVAILABILITY OF MAP.—The map shall be
16 on file and available for public inspection in the ap-
17 propriate offices of the Bureau of Land Manage-
18 ment.

19 (4) APPLICABLE LAW.—Beginning on the date
20 on which the Federal land is conveyed to the City,
21 the development of and conduct of activities on the
22 Federal land shall be subject to all applicable Fed-
23 eral laws (including regulations).

1 (5) COSTS.—As a condition of the conveyance
2 of the Federal land under paragraph (1), the City
3 shall pay—

4 (A) an amount equal to the appraised
5 value determined in accordance with paragraph
6 (2); and

7 (B) all costs related to the conveyance, in-
8 cluding all surveys, appraisals, and other ad-
9 ministrative costs associated with the convey-
10 ance of the Federal land to the City under
11 paragraph (1).

12 **SEC. 3. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
13 **TION SYSTEM.**

14 (a) FINDINGS.—Congress finds that—

15 (1) the area designated as the Wovoka Wilder-
16 ness by this section contains unique and spectacular
17 natural resources, including—

18 (A) priceless habitat for numerous species
19 of plants and wildlife;

20 (B) thousands of acres of land that remain
21 in a natural state; and

22 (C) habitat important to the continued
23 survival of the population of the greater sage
24 grouse of western Nevada and eastern Cali-

1 fornia (referred to in this section as the “Bi-
2 State population of greater sage-grouse”);

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

5 (A) ensuring the conservation of eco-
6 logically diverse habitat;

7 (B) protecting prehistoric cultural re-
8 sources;

9 (C) conserving primitive recreational re-
10 sources;

11 (D) protecting air and water quality; and

12 (E) protecting and strengthening the Bi-
13 State population of greater sage-grouse; and

14 (3) the Secretary of Agriculture should collabo-
15 rate with the Lyon County Commission and the local
16 community on wildfire and forest management plan-
17 ning and implementation with the goal of preventing
18 catastrophic wildfire and resource damage.

19 (b) DEFINITIONS.—In this section:

20 (1) COUNTY.—The term “County” means Lyon
21 County, Nevada.

22 (2) MAP.—The term “map” means the map en-
23 titled “Wovoka Wilderness Area” and dated Decem-
24 ber 18, 2012.

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

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

5 (5) WILDERNESS.—The term “Wilderness”
6 means the Wovoka Wilderness designated by sub-
7 section (c)(1).

8 (c) ADDITIONS TO NATIONAL WILDERNESS PRESER-
9 VATION SYSTEM.—

10 (1) DESIGNATION.—In furtherance of the pur-
11 poses of the Wilderness Act (16 U.S.C. 1131 et
12 seq.), the Federal land managed by the Forest Serv-
13 ice, as generally depicted on the Map, is designated
14 as wilderness and as a component of the National
15 Wilderness Preservation System, to be known as the
16 “Wovoka Wilderness”.

17 (2) BOUNDARY.—The boundary of any portion
18 of the Wilderness that is bordered by a road shall
19 be 150 feet from the centerline of the road.

20 (3) MAP AND LEGAL DESCRIPTION.—

21 (A) IN GENERAL.—As soon as practicable
22 after the date of enactment of this Act, the Sec-
23 retary shall prepare a map and legal description
24 of the Wilderness.

1 (B) EFFECT.—The map and legal descrip-
2 tion prepared under subparagraph (A) shall
3 have the same force and effect as if included in
4 this section, except that the Secretary may cor-
5 rect any clerical and typographical errors in the
6 map or legal description.

7 (C) AVAILABILITY.—Each map and legal
8 description prepared under subparagraph (A)
9 shall be on file and available for public inspec-
10 tion in the appropriate offices of the Forest
11 Service.

12 (4) WITHDRAWAL.—Subject to valid existing
13 rights, the Wilderness is withdrawn from—

14 (A) all forms of entry, appropriation, or
15 disposal under the public land laws;

16 (B) location, entry, and patent under the
17 mining laws; and

18 (C) disposition under all laws relating to
19 mineral and geothermal leasing or mineral ma-
20 terials.

21 (d) ADMINISTRATION.—

22 (1) MANAGEMENT.—Subject to valid existing
23 rights, the Wilderness shall be administered by the
24 Secretary in accordance with the Wilderness Act (16
25 U.S.C. 1131 et seq.), except that any reference in

1 that Act to the effective date shall be considered to
2 be a reference to the date of enactment of this Act.

3 (2) LIVESTOCK.—The grazing of livestock in
4 the Wilderness, if established before the date of en-
5 actment of this Act, shall be allowed to continue,
6 subject to such reasonable regulations, policies, and
7 practices as the Secretary considers to be necessary,
8 in accordance with—

9 (A) section 4(d)(4) of the Wilderness Act
10 (16 U.S.C. 1133(d)(4)); and

11 (B) the guidelines set forth in Appendix A
12 of the report of the Committee on Interior and
13 Insular Affairs of the House of Representatives
14 accompanying H.R. 2570 of the 101st Congress
15 (House Report 101–405).

16 (3) INCORPORATION OF ACQUIRED LAND AND
17 INTERESTS.—Any land or interest in land within the
18 boundary of the Wilderness that is acquired by the
19 United States after the date of enactment of this
20 Act shall be added to and administered as part of
21 the Wilderness.

22 (4) ADJACENT MANAGEMENT.—

23 (A) IN GENERAL.—Congress does not in-
24 tend for the designation of the Wilderness to

1 create a protective perimeter or buffer zone
2 around the Wilderness.

3 (B) NONWILDERNESS ACTIVITIES.—The
4 fact that nonwilderness activities or uses can be
5 seen or heard from areas within the Wilderness
6 shall not preclude the conduct of the activities
7 or uses outside the boundary of the Wilderness.

8 (5) OVERFLIGHTS.—Nothing in this section re-
9 stricts or precludes—

10 (A) low-level overflights of aircraft over the
11 Wilderness, including military overflights that
12 can be seen or heard within the Wilderness;

13 (B) flight testing and evaluation; or

14 (C) the designation or creation of new
15 units of special use airspace, or the establish-
16 ment of military flight training routes, over the
17 Wilderness.

18 (6) WILDFIRE, INSECT, AND DISEASE MANAGE-
19 MENT.—In accordance with section 4(d)(1) of the
20 Wilderness Act (16 U.S.C. 1133(d)(1)), the Sec-
21 retary may take any measures in the Wilderness
22 that the Secretary determines to be necessary for
23 the control of fire, insects, and diseases, including,
24 as the Secretary determines to be appropriate, the

1 coordination of the activities with a State or local
2 agency.

3 (7) WATER RIGHTS.—

4 (A) FINDINGS.—Congress finds that—

5 (i) the Wilderness is located—

6 (I) in the semiarid region of the
7 Great Basin; and

8 (II) at the headwaters of the
9 streams and rivers on land with re-
10 spect to which there are few—

11 (aa) actual or proposed
12 water resource facilities located
13 upstream; and

14 (bb) opportunities for diver-
15 sion, storage, or other uses of
16 water occurring outside the land
17 that would adversely affect the
18 wilderness values of the land;

19 (ii) the Wilderness is generally not
20 suitable for use or development of new
21 water resource facilities; and

22 (iii) because of the unique nature of
23 the Wilderness, it is possible to provide for
24 proper management and protection of the

1 wilderness and other values of land in ways
2 different from those used in other laws.

3 (B) PURPOSE.—The purpose of this para-
4 graph is to protect the wilderness values of the
5 Wilderness by means other than a federally re-
6 served water right.

7 (C) STATUTORY CONSTRUCTION.—Nothing
8 in this paragraph—

9 (i) constitutes an express or implied
10 reservation by the United States of any
11 water or water rights with respect to the
12 Wilderness;

13 (ii) affects any water rights in the
14 State (including any water rights held by
15 the United States) in existence on the date
16 of enactment of this Act;

17 (iii) establishes a precedent with re-
18 gard to any future wilderness designations;

19 (iv) affects the interpretation of, or
20 any designation made under, any other
21 Act; or

22 (v) limits, alters, modifies, or amends
23 any interstate compact or equitable appor-
24 tionment decree that apportions water

1 among and between the State and other
2 States.

3 (D) NEVADA WATER LAW.—The Secretary
4 shall follow the procedural and substantive re-
5 quirements of State law in order to obtain and
6 hold any water rights not in existence on the
7 date of enactment of this Act with respect to
8 the Wilderness.

9 (E) NEW PROJECTS.—

10 (i) DEFINITION OF WATER RESOURCE
11 FACILITY.—

12 (I) IN GENERAL.—In this sub-
13 paragraph, the term “water resource
14 facility” means irrigation and pump-
15 ing facilities, reservoirs, water con-
16 servation works, aqueducts, canals,
17 ditches, pipelines, wells, hydropower
18 projects, transmission and other ancil-
19 lary facilities, and other water diver-
20 sion, storage, and carriage structures.

21 (II) EXCLUSION.—In this sub-
22 paragraph, the term “water resource
23 facility” does not include wildlife guz-
24 zlers.

1 (ii) RESTRICTION ON NEW WATER RE-
2 SOURCE FACILITIES.—

3 (I) IN GENERAL.—Except as oth-
4 erwise provided in this section, on or
5 after the date of enactment of this
6 Act, no officer, employee, or agent of
7 the United States shall fund, assist,
8 authorize, or issue a license or permit
9 for the development of any new water
10 resource facility within the Wilder-
11 ness, any portion of which is located
12 in the County.

13 (II) EXCEPTION.—If a permittee
14 within the Bald Mountain grazing al-
15 lotment submits an application for the
16 development of water resources for
17 the purpose of livestock watering by
18 the date that is 10 years after the
19 date of enactment of this Act, the
20 Secretary shall issue a water develop-
21 ment permit within the non-wilderness
22 boundaries of the Bald Mountain
23 grazing allotment for the purposes of
24 carrying out activities under para-
25 graph (2).

1 (8) NONWILDERNESS ROADS.—Nothing in this
2 Act prevents the Secretary from implementing or
3 amending a final travel management plan.

4 (e) WILDLIFE MANAGEMENT.—

5 (1) IN GENERAL.—In accordance with section
6 4(d)(7) of the Wilderness Act (16 U.S.C.
7 1133(d)(7)), nothing in this section affects or dimin-
8 ishes the jurisdiction of the State with respect to
9 fish and wildlife management, including the regula-
10 tion of hunting, fishing, and trapping, in the Wilder-
11 ness.

12 (2) MANAGEMENT ACTIVITIES.—In furtherance
13 of the purposes and principles of the Wilderness Act
14 (16 U.S.C. 1131 et seq.), the Secretary may conduct
15 any management activities in the Wilderness that
16 are necessary to maintain or restore fish and wildlife
17 populations and the habitats to support the popu-
18 lations, if the activities are carried out—

19 (A) consistent with relevant wilderness
20 management plans; and

21 (B) in accordance with—

22 (i) the Wilderness Act (16 U.S.C.
23 1131 et seq.); and

24 (ii) appropriate policies, such as those
25 set forth in Appendix B of the report of

1 the Committee on Interior and Insular Af-
2 fairs of the House of Representatives ac-
3 companying H.R. 2570 of the 101st Con-
4 gress (House Report 101–405), including
5 the occasional and temporary use of motor-
6 ized vehicles and aircraft, if the use, as de-
7 termined by the Secretary, would promote
8 healthy, viable, and more naturally distrib-
9 uted wildlife populations that would en-
10 hance wilderness values with the minimal
11 impact necessary to reasonably accomplish
12 those tasks.

13 (3) EXISTING ACTIVITIES.—Consistent with
14 section 4(d)(1) of the Wilderness Act (16 U.S.C.
15 1133(d)(1)) and in accordance with appropriate poli-
16 cies such as those set forth in Appendix B of House
17 Report 101–405, the State may continue to use air-
18 craft, including helicopters, to survey, capture,
19 transplant, monitor, and provide water for wildlife
20 populations in the Wilderness.

21 (4) HUNTING, FISHING, AND TRAPPING.—

22 (A) IN GENERAL.—The Secretary may des-
23 ignate areas in which, and establish periods
24 during which, for reasons of public safety, ad-
25 ministration, or compliance with applicable

1 laws, no hunting, fishing, or trapping will be
2 permitted in the Wilderness.

3 (B) CONSULTATION.—Except in emer-
4 gencies, the Secretary shall consult with the ap-
5 propriate State agency and notify the public be-
6 fore making any designation under paragraph
7 (1).

8 (5) AGREEMENT.—The State, including a des-
9 ignee of the State, may conduct wildlife management
10 activities in the Wilderness—

11 (A) in accordance with the terms and con-
12 ditions specified in the cooperative agreement
13 between the Secretary and the State entitled
14 “Memorandum of Understanding: Inter-
15 mountain Region USDA Forest Service and the
16 Nevada Department of Wildlife State of Ne-
17 vada” and signed by the designee of the State
18 on February 6, 1984, and by the designee of
19 the Secretary on January 24, 1984, including
20 any amendments, appendices, or additions to
21 the agreement agreed to by the Secretary and
22 the State or a designee; and

23 (B) subject to all applicable laws (including
24 regulations).

1 (f) WILDLIFE WATER DEVELOPMENT PROJECTS.—
2 Subject to subsection (d), the Secretary shall authorize
3 structures and facilities, including existing structures and
4 facilities, for wildlife water development projects (includ-
5 ing guzzlers) in the Wilderness if—

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

10 (2) the visual impacts of the structures and fa-
11 cilities on the Wilderness can reasonably be mini-
12 mized.

13 **SEC. 4. WITHDRAWAL.**

14 (a) DEFINITION OF WITHDRAWAL AREA.—In this
15 section, the term “Withdrawal Area” means the land ad-
16 ministered by the Forest Service and identified as “With-
17 drawal Area” on the map described in section 3(b)(2).

18 (b) WITHDRAWAL.—Subject to valid existing rights,
19 all Federal land within the Withdrawal Area is withdrawn
20 from all forms of—

21 (1) entry, appropriation, or disposal under the
22 public land laws;

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

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

3 (c) **MOTORIZED AND MECHANICAL VEHICLES.**—

4 (1) **IN GENERAL.**—Subject to paragraph (2),
5 use of motorized and mechanical vehicles in the
6 Withdrawal Area shall be permitted only on roads
7 and trails designated for the use of those vehicles,
8 unless the use of those vehicles is needed—

9 (A) for administrative purposes; or

10 (B) to respond to an emergency.

11 (2) **EXCEPTION.**—Paragraph (1) does not apply
12 to aircraft (including helicopters).

13 **SEC. 5. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
14 **USES.**

15 Nothing in this Act alters or diminishes the treaty
16 rights of any Indian tribe.

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