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LAS VEGAS VALLEY PUBLIC LAND AND TULE SPRINGS FOSSIL BEDS NATIONAL MONUMENT

JUNE 2, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 974]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 974) to provide for certain land conveyances in the State of Nevada, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument Act of 2013”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Tule Springs Fossil Beds National Monument.
- Sec. 3. Addition of land to Red Rock Canyon National Conservation Area.
- Sec. 4. Conveyance of Bureau of Land Management land to North Las Vegas.
- Sec. 5. Conveyance of Bureau of Land Management land to Las Vegas.
- Sec. 6. Expansion of conveyance to Las Vegas Metropolitan Police Department.
- Sec. 7. Spring Mountains National Recreation Area withdrawal.
- Sec. 8. Southern Nevada Public Land Management Act of 1998 amendments.
- Sec. 9. Conveyance of land to the Nevada System of Higher Education.
- Sec. 10. Land Conveyance for Southern Nevada Supplemental Airport.
- Sec. 11. Sunrise Mountain Instant Study Area release.
- Sec. 12. Nellis Dunes Off-Highway Vehicle Recreation Area.
- Sec. 13. Withdrawal and reservation of land for Nellis Air Force Base expansion.
- Sec. 14. Military overflights.
- Sec. 15. Authorization of appropriations.

SEC. 2. TULE SPRINGS FOSSIL BEDS NATIONAL MONUMENT.

(a) FINDINGS.—Congress finds that—

(1) since 1933, the Upper Las Vegas Wash has been valued by scientists because of the significant paleontological resources demonstrative of the Pleistocene Epoch that are located in the area;

(2) in 2004, during the preparation of the Las Vegas Valley Disposal Boundary Final Environmental Impact Statement, the Bureau of Land Management identified sensitive biological, cultural, and paleontological resources determined

to be worthy of more evaluation with respect to the protective status of the resources;

(3) the Upper Las Vegas Wash contains thousands of paleontological resources from the Pleistocene Epoch that are preserved in a unique geological context that are of national importance, including Columbian mammoth, ground sloth, American lion, camels, and horse fossils;

(4) in addition to Joshua trees and several species of cacti, the Las Vegas buckwheat, Merriam's bearpoppy, and the Las Vegas bearpoppy are 3 unique and imperiled plants that are supported in the harsh desert environment of Tule Springs;

(5) the area provides important habitat for threatened desert tortoise, endemic poppy bees, kit foxes, burrowing owls, LeConte's thrasher, phainopepla, and a variety of reptiles;

(6) in studies of the area conducted during the last decade, the Bureau of Land Management and National Park Service determined that the area likely contains the longest continuous section of Pleistocene strata in the desert southwest, which span multiple important global climate cooling and warming episodes;

(7) the Upper Las Vegas Wash is significant to the culture and history of the native and indigenous people of the area, including the Southern Paiute Tribe;

(8) despite the findings of the studies and recommendations for further assessment of the resources for appropriate methods of protection—

(A) the area remains inadequately protected; and

(B) many irreplaceable fossil specimens in the area have been lost to vandalism or theft; and

(9) designation of the Upper Las Vegas Wash site as a National Monument would protect the unique fossil resources of the area and the geological context of those resources for present and future generations while allowing for public education and continued scientific research opportunities.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term “Council” means the Tule Springs Fossil Beds National Monument Advisory Council established by subsection (g)(1).

(2) COUNTY.—The term “County” means Clark County, Nevada.

(3) LOCAL GOVERNMENT.—The term “local government” means the City of Las Vegas, City of North Las Vegas, or the County.

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Monument developed under subsection (d)(5).

(5) MAP.—The term “Map” means the map entitled “Tule Springs Fossil Beds National Monument Proposed Boundary”, numbered 963/123, 142, and dated December 2013.

(6) MONUMENT.—The term “Monument” means the Tule Springs Fossil Beds National Monument established by subsection (c)(1).

(7) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(8) PUBLIC WATER AGENCY.—The term “public water agency” means a regional wholesale water provider that is engaged in the acquisition of water on behalf of, or the delivery of water to, water purveyors who are member agencies of the public water agency.

(9) QUALIFIED ELECTRIC UTILITY.—The term “qualified electric utility” means any public or private utility determined by the Secretary to be technically and financially capable of developing the high-voltage transmission facilities described in subsection (e).

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

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—In order to conserve, protect, interpret, and enhance for the benefit of present and future generations the unique and nationally important paleontological, scientific, educational, and recreational resources and values of the land described in this subsection, there is established in the State, subject to valid existing rights, the Tule Springs Fossil Beds National Monument.

(2) BOUNDARIES.—The Monument shall consist of approximately 22,650 acres of public land in the County identified as “Tule Springs Fossil Beds National Monument”, as generally depicted on the Map.

(3) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare an official map and legal description of the boundaries of the Monument.

(B) LEGAL EFFECT.—The map and legal description prepared under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical or typographical errors in the legal description or the map.

(C) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—The map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the National Park Service.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire land or interests in land within or adjacent to the boundaries of the Monument by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency.

(B) LIMITATION.—Land or interests in land that are owned by the State or a political subdivision of the State may be acquired under subparagraph (A) only by donation or exchange.

(5) WITHDRAWALS.—Subject to valid existing rights and subsections (e) and (f), any land within the Monument or any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

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

(C) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(6) RELATIONSHIP TO CLARK COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN.—

(A) AMENDMENT TO PLAN.—The Secretary shall credit, on an acre-for-acre basis, approximately 22,650 acres of the land conserved for the Monument under this Act toward the development of additional non-Federal land within the County through an amendment to the Clark County Multi-Species Habitat Conservation Plan.

(B) EFFECT ON PLAN.—Nothing in this Act otherwise limits, alters, modifies, or amends the Clark County Multi-Species Habitat Conservation Plan.

(7) TERMINATION OF UPPER LAS VEGAS WASH CONSERVATION TRANSFER AREA.—The Upper Las Vegas Wash Conservation Transfer Area established by the Record of Decision dated October 21, 2011, for the Upper Las Vegas Wash Conservation Transfer Area Final Supplemental Environmental Impact Statement, is terminated.

(d) ADMINISTRATION OF MONUMENT.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the approximately 22,650 acres of public land depicted on the Map as “Tule Springs Fossil Bed National Monument” is transferred from the Bureau of Land Management to the National Park Service.

(2) ADMINISTRATION.—The Secretary shall administer the Monument—

(A) in a manner that conserves, protects, interprets, and enhances the resources and values of the Monument; and

(B) in accordance with—

(i) this section;

(ii) the provisions of laws generally applicable to units of the National Park System (including the National Park Service Organic Act (16 U.S.C. 1 et seq.)); and

(iii) any other applicable laws.

(3) BUFFER ZONES.—The establishment of the Monument shall not—

(A) lead to the creation of express or implied protective perimeters or buffer zones around or over the Monument;

(B) preclude disposal or development of public land adjacent to the boundaries of the Monument, if the disposal or development is consistent with other applicable law; or

(C) preclude an activity on, or use of, private land adjacent to the boundaries of the Monument, if the activity or use is consistent with other applicable law.

(4) AIR AND WATER QUALITY.—Nothing in this Act alters the standards governing air or water quality outside the boundary of the Monument.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary shall develop a management plan that provides for the long-term protection and management of the Monument.

(B) COMPONENTS.—The management plan—

- (i) shall—
 - (I) be prepared in accordance with section 12(b) of the National Park System General Authorities Act (16 U.S.C. 1a–7(b)); and
 - (II) consistent with this section and the purposes of the Monument, allow for continued scientific research at the Monument; and
- (ii) may—
 - (I) incorporate any appropriate decisions contained in an existing management or activity plan for the land designated as the Monument under subsection (c)(1); and
 - (II) use information developed in any study of land within, or adjacent to, the boundary of the Monument that was conducted before the date of enactment of this Act.
- (C) PUBLIC PROCESS.—In preparing the management plan, the Secretary shall—
 - (i) consult with, and take into account the comments and recommendations of, the Council;
 - (ii) provide an opportunity for public involvement in the preparation and review of the management plan, including holding public meetings;
 - (iii) consider public comments received as part of the public review and comment process of the management plan; and
 - (iv) consult with governmental and nongovernmental stakeholders involved in establishing and improving the regional trail system to incorporate, where appropriate, trails in the Monument that link to the regional trail system.
- (6) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—
 - (A) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to the onsite exhibition and curation of the resources, to the extent practicable.
 - (B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and appropriate public and private entities to carry out subparagraph (A).
- (e) RENEWABLE ENERGY TRANSMISSION FACILITIES.—
 - (1) IN GENERAL.—On receipt of a complete application from a qualified electric utility, the Secretary, in accordance with applicable laws (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.)), shall issue to the qualified electric utility a 400-foot-wide right-of-way for the construction and maintenance of high-voltage transmission facilities depicted on the Map as “Renewable Energy Transmission Corridor” if the high-voltage transmission facilities do not conflict with other previously authorized rights-of-way within the corridor.
 - (2) REQUIREMENTS.—
 - (A) IN GENERAL.—The high-voltage transmission facilities shall—
 - (i) be used—
 - (I) primarily, to the maximum extent practicable, for renewable energy resources; and
 - (II) to meet reliability standards set by the North American Electric Reliability Corporation, the Western Electricity Coordinating Council, or the public utilities regulator of the State; and
 - (ii) employ best management practices identified as part of the compliance of the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to limit impacts on the Monument, including impacts to the viewshed.
 - (B) CAPACITY.—The Secretary shall consult with the qualified electric utility that is issued the right-of-way under paragraph (1) and the public utilities regulator of the State to seek to maximize the capacity of the high-voltage transmission facilities.
 - (3) TERMS AND CONDITIONS.—The issuance of a notice to proceed on the construction of the high-voltage transmission facilities within the right-of-way under paragraph (1) shall be subject to terms and conditions that the Secretary (in consultation with the qualified electric utility), as part of the compliance of the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), determines appropriate to protect and conserve the resources for which the Monument is managed.
 - (4) EXPIRATION OF RIGHT-OF-WAY.—The right-of-way issued under paragraph (1) shall expire on the date that is 15 years after the date of enactment of this Act if construction of the high-voltage transmission facilities described in para-

graph (1) has not been initiated by that date, unless the Secretary determines that it is in the public interest to continue the right-of-way.

(f) WATER CONVEYANCE FACILITIES.—

(1) WATER CONVEYANCE FACILITIES CORRIDOR.—

(A) IN GENERAL.—On receipt of 1 or more complete applications from a public water agency and except as provided in subparagraph (B), the Secretary, in accordance with applicable laws (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.)), shall issue to the public water agency a 100-foot-wide right-of-way for the construction, maintenance, repair, and replacement of a buried water conveyance pipeline and associated facilities within the “Water Conveyance Facilities Corridor” and the “Renewable Energy Transmission Corridor” depicted on the Map.

(B) LIMITATION.—A public water agency right-of-way shall not be granted under subparagraph (A) within the portion of the Renewable Energy Transmission Corridor that is located along the Moccasin Drive alignment, which is generally between T. 18 S. and T. 19 S., Mount Diablo Baseline and Meridian.

(2) BURIED WATER CONVEYANCE PIPELINE.—On receipt of 1 or more complete applications from a unit of local government or public water agency, the Secretary, in accordance with applicable laws (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.)), shall issue to the unit of local government or public water agency a 100-foot-wide right-of-way for the construction, operation, maintenance, repair, and replacement of a buried water conveyance pipeline to access the existing buried water pipeline turnout facility and surge tank located in the NE¼ sec. 16 of T. 19 S. and R. 61 E.

(3) REQUIREMENTS.—

(A) BEST MANAGEMENT PRACTICES.—The water conveyance facilities shall employ best management practices identified as part of the compliance of the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to limit the impacts of the water conveyance facilities on the Monument.

(B) CONSULTATIONS.—The water conveyance facilities within the “Renewable Energy Transmission Corridor” shall be sited in consultation with the qualified electric utility to limit the impacts of the water conveyance facilities on the high-voltage transmission facilities.

(4) TERMS AND CONDITIONS.—The issuance of a notice to proceed on the construction of the water conveyance facilities within the right-of-way under paragraph (1) shall be subject to any terms and conditions that the Secretary, in consultation with the public water agency, as part of the compliance of the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), determines appropriate to protect and conserve the resources for which the Monument is managed.

(g) TULE SPRINGS FOSSIL BEDS NATIONAL MONUMENT ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—To provide guidance for the management of the Monument, there is established the Tule Springs Fossil Beds National Monument Advisory Council.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall consist of 10 members, to be appointed by the Secretary, of whom—

(i) 1 member shall be a member of, or be nominated by, the County Commission;

(ii) 1 member shall be a member of, or be nominated by, the city council of Las Vegas, Nevada;

(iii) 1 member shall be a member of, or be nominated by, the city council of North Las Vegas, Nevada;

(iv) 1 member shall be a member of, or be nominated by, the tribal council of the Las Vegas Paiute Tribe;

(v) 1 member shall be a representative of the conservation community in southern Nevada;

(vi) 1 member shall be a representative of Nellis Air Force Base;

(vii) 1 member shall be nominated by the State;

(viii) 1 member shall reside in the County and have a background that reflects the purposes for which the Monument was established; and

- (ix) 2 members shall reside in the County or adjacent counties, both of whom shall have experience in the field of paleontology, obtained through higher education, experience, or both.
- (B) INITIAL APPOINTMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the initial members of the Council in accordance with subparagraph (A).
- (3) DUTIES OF COUNCIL.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.
- (4) COMPENSATION.—Members of the Council shall receive no compensation for serving on the Council.
- (5) CHAIRPERSON.—
 - (A) IN GENERAL.—Subject to subparagraph (B), the Council shall elect a Chairperson from among the members of the Council.
 - (B) LIMITATION.—The Chairperson shall not be a member of a Federal or State agency.
 - (C) TERM.—The term of the Chairperson shall be 3 years.
- (6) TERM OF MEMBERS.—
 - (A) IN GENERAL.—The term of a member of the Council shall be 3 years.
 - (B) SUCCESSORS.—Notwithstanding the expiration of a 3-year term of a member of the Council, a member may continue to serve on the Council until—
 - (i) the member is reappointed by the Secretary; or
 - (ii) a successor is appointed.
- (7) VACANCIES.—
 - (A) IN GENERAL.—A vacancy on the Council shall be filled in the same manner in which the original appointment was made.
 - (B) APPOINTMENT FOR REMAINDER OF TERM.—A member appointed to fill a vacancy on the Council—
 - (i) shall serve for the remainder of the term for which the predecessor was appointed; and
 - (ii) may be nominated for a subsequent term.
- (8) TERMINATION.—Unless an extension is jointly recommended by the Director of the National Park Service and the Director of the Bureau of Land Management, the Council shall terminate on the date that is 6 years after the date of enactment of this Act.
- (h) WITHDRAWAL.—Subject to valid existing rights, the land identified on the Map as “BLM Withdrawn Lands” is withdrawn from—
 - (1) entry under the public land laws;
 - (2) location, entry, and patent under the mining laws; and
 - (3) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

SEC. 3. ADDITION OF LAND TO RED ROCK CANYON NATIONAL CONSERVATION AREA.

- (a) DEFINITIONS.—In this section:
 - (1) CONSERVATION AREA.—The term “Conservation Area” means the Red Rock Canyon National Conservation Area established by the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.).
 - (2) MAP.—The term “Map” means the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013.
 - (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.
- (b) ADDITION OF LAND TO CONSERVATION AREA.—
 - (1) IN GENERAL.—The Conservation Area is expanded to include the land depicted on the Map as “Additions to Red Rock NCA”.
 - (2) MANAGEMENT PLAN.—Not later than 2 years after the date on which the land is acquired, the Secretary shall update the management plan for the Conservation Area to reflect the management requirements of the acquired land.
 - (3) MAP AND LEGAL DESCRIPTION.—
 - (A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.
 - (B) MINOR ERRORS.—The Secretary may correct any minor error in—
 - (i) the Map; or
 - (ii) the legal description.
 - (C) AVAILABILITY.—The Map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND TO NORTH LAS VEGAS.

- (a) DEFINITIONS.—In this section:

- (1) MAP.—The term “Map” means the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013.
- (2) NORTH LAS VEGAS.—The term “North Las Vegas” means the city of North Las Vegas, Nevada.
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.
- (b) CONVEYANCE.—As soon as practicable after the date of enactment of this Act and subject to valid existing rights, the Secretary shall convey to North Las Vegas, without consideration, all right, title, and interest of the United States in and to the land described in subsection (c).
- (c) DESCRIPTION OF LAND.—The land referred to in subsection (b) consists of the land managed by the Bureau of Land Management described on the Map as the “North Las Vegas Job Creation Zone” (including the interests in the land).
- (d) MAP AND LEGAL DESCRIPTION.—
- (1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.
- (2) MINOR ERRORS.—The Secretary may correct any minor error in—
- (A) the Map; or
- (B) the legal description.
- (3) AVAILABILITY.—The Map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.
- (e) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—
- (1) IN GENERAL.—North Las Vegas may sell any portion of the land described in subsection (c) for nonresidential development.
- (2) METHOD OF SALE.—The sale of land under paragraph (1) shall be carried out—
- (A) through a competitive bidding process; and
- (B) for not less than fair market value.
- (3) FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the land under paragraph (2)(B) based on an appraisal that is performed in accordance with—
- (A) the Uniform Appraisal Standards for Federal Land Acquisitions;
- (B) the Uniform Standards of Professional Appraisal Practices; and
- (C) any other applicable law (including regulations).
- (4) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under paragraph (1) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2345; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045).
- (f) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—
- (1) IN GENERAL.—North Las Vegas may retain a portion of the land described in subsection (c) for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing written notice of the election to the Secretary.
- (2) REVOCATION.—If North Las Vegas retains land for public recreation or other public purposes under paragraph (1), North Las Vegas may—
- (A) revoke that election; and
- (B) sell the land in accordance with subsection (e).
- (g) ADMINISTRATIVE COSTS.—North Las Vegas shall pay all appraisal costs, survey costs, and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (c).
- (h) REVERSION.—
- (1) IN GENERAL.—If any parcel of land described in subsection (c) is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under subparagraph (f) by the date that is 30 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.
- (2) INCONSISTENT USE.—If North Las Vegas uses any parcel of land described in subsection (c) in a manner that is inconsistent with this section—
- (A) at the discretion of the Secretary, the parcel shall revert to the United States; or
- (B) if the Secretary does not make an election under subparagraph (A), North Las Vegas shall sell the parcel of land in accordance with this section.

SEC. 5. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND TO LAS VEGAS.

- (a) DEFINITIONS.—In this section:

- (1) LAS VEGAS.—The term “Las Vegas” means the city of Las Vegas, Nevada.
- (2) MAP.—The term “Map” means the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013.
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.
- (b) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to Las Vegas, without consideration, all right, title, and interest of the United States in and to the land described in subsection (c).
- (c) DESCRIPTION OF LAND.—The land referred to in subsection (b) consists of land managed by the Bureau of Land Management described on the Map as “Las Vegas Job Creation Zone” (including interests in the land).
- (d) MAP AND LEGAL DESCRIPTION.—
- (1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.
- (2) MINOR ERRORS.—The Secretary may correct any minor error in—
- (A) the Map; or
- (B) the legal description.
- (3) AVAILABILITY.—The Map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.
- (e) USE OF LAND.—
- (1) IN GENERAL.—Las Vegas may sell any portion of the land described in subsection (c) for nonresidential development.
- (2) METHOD OF SALE.—The sale of land under paragraph (1) shall be carried out, after consultation with the Las Vegas Paiute Tribe—
- (A) through a competitive bidding process; and
- (B) for not less than fair market value.
- (3) FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the land under paragraph (2)(B) based on an appraisal that is performed in accordance with—
- (A) the Uniform Appraisal Standards for Federal Land Acquisitions;
- (B) the Uniform Standards of Professional Appraisal Practices; and
- (C) any other applicable law (including regulations).
- (4) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under paragraph (1) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2345; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045).
- (f) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—
- (1) IN GENERAL.—Las Vegas may retain a portion of the land described in subsection (c) for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing written notice of the election to the Secretary.
- (2) REVOCATION.—If Las Vegas retains land for public recreation or other public purposes under paragraph (1), Las Vegas may—
- (A) revoke that election; and
- (B) sell the land in accordance with subsection (e).
- (g) ADMINISTRATIVE COSTS.—Las Vegas shall pay all appraisal costs, survey costs, and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (c).
- (h) REVERSION.—
- (1) IN GENERAL.—If any parcel of land described in subsection (c) is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under subsection (f) by the date that is 30 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.
- (2) INCONSISTENT USE.—If Las Vegas uses any parcel of land described in subsection (c) in a manner that is inconsistent with this section—
- (A) at the discretion of the Secretary, the parcel shall revert to the United States; or
- (B) if the Secretary does not make an election under subparagraph (A), Las Vegas shall sell the parcel of land in accordance with this section.

SEC. 6. EXPANSION OF CONVEYANCE TO LAS VEGAS METROPOLITAN POLICE DEPARTMENT.

Section 703 of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282; 116 Stat. 2013) is amended by inserting before the period at the end the following: “and, subject to valid existing rights, the parcel of land identified as ‘Las Vegas Police Shooting Range’ on the map entitled ‘North Las Vegas Valley Overview’ and dated November 5, 2013”.

SEC. 7. SPRING MOUNTAINS NATIONAL RECREATION AREA WITHDRAWAL.

Section 8 of the Spring Mountains National Recreation Area Act (16 U.S.C. 460hhh–6) is amended—

- (1) in subsection (a), by striking “for lands described” and inserting “as provided”; and
- (2) by striking subsection (b) and inserting the following:

“(b) EXCEPTIONS.—

“(1) **IN GENERAL.**—Notwithstanding subsection (a), W¹/₂E¹/₂ and W¹/₂ sec. 27, T. 23 S., R. 58 E., Mt. Diablo Meridian is not subject to withdrawal under that subsection.

“(2) **EFFECT OF ENTRY UNDER PUBLIC LAND LAWS.**—Notwithstanding paragraph (1) of subsection (a), the following are not subject to withdrawal under that paragraph:

“(A) Any Federal land in the Recreation Area that qualifies for conveyance under Public Law 97–465 (commonly known as the ‘Small Tracts Act’) (16 U.S.C. 521c et seq.), which, notwithstanding section 7 of that Act (16 U.S.C. 521i), may be conveyed under that Act.

“(B) Any Federal land in the Recreation Area that the Secretary determines to be appropriate for conveyance by exchange for non-Federal land within the Recreation Area under authorities generally providing for the exchange of National Forest System land.”.

SEC. 8. SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998 AMENDMENTS.

Section 4 of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2344; 116 Stat. 2007) is amended—

- (1) in the first sentence of subsection (a), by striking “dated October 1, 2002” and inserting “dated September 17, 2012”; and
- (2) in subsection (g), by adding at the end the following:

“(5) Notwithstanding paragraph (4), subject to paragraphs (1) through (3), Clark County may convey to a unit of local government or regional governmental entity, without consideration, land located within the Airport Environs Overlay District, as identified in the Cooperative Management Agreement described in section 3(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343), if the land is used for a water or wastewater treatment facility or any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the ‘Recreation and Public Purposes Act’) (43 U.S.C. 869 et seq.).”.

SEC. 9. CONVEYANCE OF LAND TO THE NEVADA SYSTEM OF HIGHER EDUCATION.

(a) **DEFINITIONS.**—In this section:

(1) **BOARD OF REGENTS.**—The term “Board of Regents” means the Board of Regents of the Nevada System of Higher Education.

(2) **CAMPUSES.**—The term “Campuses” means the Great Basin College, College of Southern Nevada, and University of Las Vegas, Nevada, campuses.

(3) **FEDERAL LAND.**—The term “Federal land” means—

(A) the approximately 40 acres to be conveyed for the College of Southern Nevada, identified as “Parcel to be Conveyed”, as generally depicted on the map entitled “College of Southern Nevada Land Conveyance” and dated June 26, 2012;

(B) the approximately 2,085 acres to be conveyed for the University of Nevada, Las Vegas, identified as “UNLV North Campus”, as generally depicted on the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013; and

(C) the approximately 285 acres to be conveyed for the Great Basin College, identified as “Parcel to be Conveyed”, as generally depicted on the map entitled “College of Southern Nevada Land Conveyance” and dated June 26, 2012.

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

(5) **STATE.**—The term “State” means the State of Nevada.

(6) **SYSTEM.**—The term “System” means the Nevada System of Higher Education.

(b) **CONVEYANCES OF FEDERAL LAND TO SYSTEM.**—

(1) CONVEYANCES.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1(c) of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869(c)), and subject to all valid existing rights and such terms and conditions as the Secretary determines to be necessary, the Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, convey to the System, without consideration, all right, title, and interest of the United States in and to—

(i) the Federal land identified on the map entitled “Great Basin College Land Conveyance” and dated June 26, 2012, for the Great Basin College; and

(ii) the Federal land identified on the map entitled “College of Southern Nevada Land Conveyance” and dated June 26, 2012, for the College of Southern Nevada, subject to the requirement that, as a precondition of the conveyance, the Board of Regents shall, by mutual assent, enter into a binding development agreement with the City of Las Vegas that—

(I) provides for the orderly development of the Federal land to be conveyed under this subclause; and

(II) complies with State law; and

(B) convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land identified on the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013, for the University of Nevada, Las Vegas, if the area identified as “Potential Utility Schedule” on the map is reserved for use for a potential 400-foot-wide utility corridor of certain rights-of-way for transportation and public utilities.

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of the conveyance under paragraph (1), the Board of Regents shall agree in writing—

(i) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(ii) to use the Federal land conveyed for educational and recreational purposes;

(iii) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the Federal land on or before the date of enactment of this Act by the United States or any person; and

(iv) to assist the Bureau of Land Management in providing information to the students of the System and the citizens of the State on—

(I) public land (including the management of public land) in the Nation; and

(II) the role of the Bureau of Land Management in managing, preserving, and protecting the public land in the State.

(B) AGREEMENT WITH NELLIS AIR FORCE BASE.—

(i) IN GENERAL.—The Federal land conveyed to the System under paragraph (1)(B) shall be used in accordance with the agreement entitled the “Cooperative Interlocal Agreement between the Board of Regents of the Nevada System of Higher Education, on Behalf of the University of Nevada, Las Vegas, and the 99th Air Base Wing, Nellis Air Force Base, Nevada” and dated June 19, 2009.

(ii) MODIFICATIONS.—Any modifications to the agreement described in clause (i) or any related master plan shall require the mutual assent of the parties to the agreement.

(iii) LIMITATION.—In no case shall the use of the Federal land conveyed under paragraph (1)(B) compromise the national security mission or navigation rights of Nellis Air Force Base.

(3) USE OF FEDERAL LAND.—The System may use the Federal land conveyed under paragraph (1) for any public purposes consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(4) REVERSION.—

(A) IN GENERAL.—If the Federal land or any portion of the Federal land conveyed under paragraph (1) ceases to be used for the System, the Federal land, or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

(B) UNIVERSITY OF NEVADA, LAS VEGAS.—If the System fails to complete the first building or show progression toward development of the University

of Nevada, Las Vegas campus on the applicable parcels of Federal land by the date that is 50 years after the date of receipt of certification of acceptable remediation of environmental conditions, the parcels of the Federal land described in subsection (a)(3)(B) shall, at the discretion of the Secretary, revert to the United States.

(C) COLLEGE OF SOUTHERN NEVADA.—If the System fails to complete the first building or show progression toward development of the College of Southern Nevada campus on the applicable parcels of Federal land by the date that is 12 years after the date of conveyance of the applicable parcels of Federal land to the College of Southern Nevada, the parcels of the Federal land described in subsection (a)(3)(A) shall, at the discretion of the Secretary, revert to the United States.

SEC. 10. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) FINDINGS.—Congress finds that—

(1) flood mitigation infrastructure is critical to the safe and uninterrupted operation of the proposed Southern Nevada Supplemental Airport authorized by the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404); and

(2) through proper engineering, the land described in this section for flood mitigation infrastructure for the Southern Nevada Supplemental Airport may be consistent with the role of the Bureau of Land Management—

(A) to protect and prevent irreparable damage to—

(i) important historic, cultural, or scenic values;

(ii) fish and wildlife resources; or

(iii) other natural systems or processes; or

(B) to protect life and safety from natural hazards in the County and nearby areas.

(b) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Clark County, Nevada.

(2) MAP.—The term “Map” means the map entitled “Land Conveyance for Southern Nevada Supplemental Airport” and dated June 26, 2012.

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

(c) LAND CONVEYANCE.—

(1) AUTHORIZATION OF CONVEYANCE.—

(A) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights and paragraph (3), and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the land described in subsection (d), subject to such terms and conditions as the Secretary determines to be necessary.

(B) COSTS.—The County shall be responsible for all costs associated with the conveyance under subparagraph (A).

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) RESERVATION OF MINERAL RIGHTS.—In conveying the public land under paragraph (1), the Secretary shall reserve the mineral estate, except for purposes related to flood mitigation (including removal from aggregate flood events).

(4) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

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

(5) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

(6) REVERSION AND REENTRY.—

(A) **IN GENERAL.**—If the land conveyed to the County under the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404) reverts to the United States, the land conveyed to the County under this section shall revert, at the option of the Secretary, to the United States.

(B) **USE OF LAND.**—If the Secretary determines that the County is not using the land conveyed under this section for a purpose described in paragraph (4), all right, title, and interest of the County in and to the land shall revert, at the option of the Secretary, to the United States.

(d) **DESCRIPTION OF LAND.**—The land referred to in subsection (c) consists of the approximately 2,320 acres of land managed by the Bureau of Land Management and described on the Map as the “Conveyance Area”.

(e) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare an official legal description and map of the parcel to be conveyed under this section.

(2) **MINOR ERRORS.**—The Secretary may correct any minor error in—

(A) the map prepared under paragraph (1); or

(B) the legal description.

(3) **AVAILABILITY.**—The map prepared under paragraph (1) and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 11. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE.

(a) **FINDING.**—Congress finds that for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in Clark County, Nevada, administered by the Bureau of Land Management in the Sunrise Mountain Instant Study Area has been adequately studied for wilderness designation.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness—

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

(2) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(c) **POST RELEASE LAND USE APPROVALS.**—Recognizing that the area released under subsection (b) presents unique opportunities for the granting of additional rights-of-way, including for high voltage transmission facilities, the Secretary of the Interior may accommodate multiple applicants within a particular right-of-way.

SEC. 12. NELLIS DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the city of North Las Vegas, Nevada.

(2) **CLARK COUNTY OFF-HIGHWAY VEHICLE RECREATION PARK.**—The term “Clark County Off-Highway Vehicle Recreation Park” means the approximately 960 acres of land identified on the Map as “Clark County Off-Highway Vehicle Recreation Park”.

(3) **COUNTY.**—The term “County” means Clark County, Nevada.

(4) **MAP.**—The term “Map” means the map entitled “Nellis Dunes OHV Recreation Area” and dated December 17, 2013.

(5) **NELLIS DUNES OFF-HIGHWAY RECREATION AREA.**—The term “Nellis Dunes Off-Highway Recreation Area” means the approximately 10,035 acres of land identified on the Map as “Nellis Dunes OHV Recreation Area”.

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

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

(b) **CONVEYANCE OF FEDERAL LAND TO COUNTY.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights and paragraph (2), without consideration, all right, title, and interest of the United States in and to the Clark County Off-Highway Vehicle Recreation Park.

(2) **RESERVATION OF MINERAL ESTATE.**—In conveying the parcels of Federal land under paragraph (1), the Secretary shall reserve the mineral estate, except for purposes related to flood mitigation (including removal from aggregate flood events).

(3) **USE OF CONVEYED LAND.**—

(A) **IN GENERAL.**—The parcels of land conveyed under paragraph (1) may be used by the County for any public purposes described in subparagraph (B), consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(B) **AUTHORIZED USES.**—The land conveyed under paragraph (1)—

- (i) shall be used by the County—
 - (I) to provide a suitable location for the establishment of a centralized off-road vehicle recreation park in the County;
 - (II) to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial services that directly support a centralized off-road vehicle recreation area and County park;
 - (III) to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles in areas that have been identified by the Federal Government, State government, or County government as containing environmentally sensitive land; and
 - (ii) shall not be disposed of by the County.
 - (C) REVERSION.—If the County ceases to use any parcel of land conveyed under paragraph (1) for the purposes described in subparagraph (B)—
 - (i) title to the parcel shall revert to the Secretary, at the option of the Secretary; and
 - (ii) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.
 - (D) MANAGEMENT PLAN.—The Secretary of the Air Force and the County, may develop a special management plan for the land conveyed under paragraph (1)—
 - (i) to enhance public safety and safe off-highway vehicle recreation use in the Nellis Dunes Recreation Area;
 - (ii) to ensure compatible development with the mission requirements of the Nellis Air Force Base; and
 - (iii) to avoid and mitigate known public health risks associated with off-highway vehicle use in the Nellis Dunes Recreation Area.
 - (4) FUNDING.—Section 4(e)(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—
 - (A) in clause (x) by striking “; and” and inserting “;”;
 - (B) by redesignating clause (xi) as (xii); and
 - (C) by inserting after clause (x) the following:
 - “(xi) the Clark County Off-Highway Vehicle Recreation Park; and”.
 - (5) AGREEMENT WITH NELLIS AIR FORCE BASE.—
 - (A) IN GENERAL.—Before the Federal land may be conveyed to the County under paragraph (1), the Clark County Board of Commissioners and Nellis Air Force Base shall enter into an interlocal agreement for the Federal land and the Nellis Dunes Recreation Area—
 - (i) to enhance safe off-highway recreation use; and
 - (ii) to ensure that development of the Federal land is consistent with the long-term mission requirements of Nellis Air Force Base.
 - (B) LIMITATION.—The use of the Federal land conveyed under paragraph (1) shall not compromise the national security mission of Nellis Air Force Base.
 - (6) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance of Federal land under paragraph (1), the Secretary may require such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.
 - (c) DESIGNATION OF NELLIS DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—
 - (1) IN GENERAL.—The approximately 10,035 acres of land identified on the Map as the “Nellis Dunes OHV Recreation Area” shall be known and designated as the “Nellis Dunes Off-Highway Vehicle Recreation Area”.
 - (2) MANAGEMENT PLAN.—The Secretary may develop a special management plan for the Nellis Dunes Off-Highway Recreation Area to enhance the safe use of off-highway vehicles for recreational purposes.
- SEC. 13. WITHDRAWAL AND RESERVATION OF LAND FOR NELLIS AIR FORCE BASE EXPANSION.**
- (a) WITHDRAWALS.—Section 3011(b) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 886) is amended—
 - (1) in paragraph (4)—
 - (A) by striking “comprise approximately” and inserting the following:
 - “comprise—
 - “(A) approximately”;
 - (B) by striking the period at the end and inserting a semicolon; and
 - (C) by adding at the end the following:

“(B) approximately 710 acres of land in Clark County, Nevada, identified as ‘Addition to Nellis Air Force Base’ on the map entitled ‘Nellis Dunes Off-Highway Vehicle Recreation Area’ and dated June 26, 2012; and

“(C) approximately 410 acres of land in Clark County, Nevada, identified as ‘Addition to Nellis Air Force Base’ on the map entitled ‘North Las Vegas Valley Overview’ and dated November 5, 2013.”; and

(2) by adding at the end the following:

“(6) EXISTING MINERAL MATERIALS CONTRACTS.—

“(A) APPLICABILITY.—Section 3022 shall not apply to any mineral material resource authorized for sale by the Secretary of the Interior under a valid contract for the duration of the contract.

“(B) ACCESS.—Notwithstanding any other provision of this subtitle, the Secretary of the Air Force shall allow adequate and reasonable access to mineral material resources authorized for sale by the Secretary of the Interior under a valid contract for the duration of the contract.”.

(b) CONFORMING AMENDMENT.—Section 3022 of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 897) is amended by striking “section 3011(b)(5)(B)” and inserting “paragraphs (5)(B) and (6) of section 3011(b)”.

SEC. 14. MILITARY OVERFLIGHTS.

(a) FINDINGS.—Congress finds that military aircraft testing and training activities in the State of Nevada—

(1) are an important part of the national defense system of the United States; and

and

(2) are essential in order to secure an enduring and viable national defense system for the current and future generations of people of the United States.

(b) OVERFLIGHTS.—Nothing in this Act restricts or precludes any military overflight, including—

(1) low-level overflights of military aircraft over the Federal land;

(2) flight testing and evaluation; and

(3) the designation or creation of new units of special airspace, or the use or establishment of military flight training routes, over—

(A) the Tule Springs Fossil Beds National Monument established by section 2(c)(1); or

(B) the Red Rock Canyon National Conservation Area established by the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.) (as modified by section 3).

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE

The purpose of S. 974, as ordered reported, is to designate the Tule Springs National Monument in southern Nevada as a unit of the National Park System and provide for certain land conveyances in the State of Nevada.

BACKGROUND AND NEED

Knowledge of the significant paleontological resources of the Upper Las Vegas Wash, north of Las Vegas, Nevada dates back to early scientific studies conducted in the area in the 1930s. In 2004, the Bureau of Land Management identified sensitive biological, cultural, and paleontological resources in the areas during the preparation of the Las Vegas Valley Disposal Boundary Final Environmental Impact Statement, and determined them to be worthy of more evaluation for protective status.

In April of 2010, the Nevada congressional delegation requested that the National Park Service conduct a reconnaissance report to evaluate the site for inclusion in the National Park System. The NPS team conducted a preliminary analysis of Upper Las Vegas Wash/Tule Springs resources based on existing documentation, a site visit in June 2010, and discussions with local resource experts.

Based on this preliminary analysis, the Park Service found the paleontological resources in the area to be of national significance and the area to be suitable for inclusion in the national park system. The area's proximity to Las Vegas was also considered as it would facilitate access to paleontological resources not commonly found among many of the nation's paleontological state parks and NPS sites.

Scientific excavation and findings in the Las Vegas Wash indicate that the report area contains the most significant late Pleistocene fossil resources in the American southwest. The high level of integrity of the fossils of the Las Vegas Formation provides scientists with an unparalleled opportunity for research on paleontological and prehistoric resources. The rare confluence of geologic forces in the area provides researchers an opportunity to examine how the ancient animals looked, behaved, and interacted with one another, and it provides an opportunity to demonstrate and interpret more than 150,000 years of climate change. Portions of the area have also been determined to be historically significant and are listed in the National Register as the earliest site in the U.S. where radiocarbon dating was used.

Designation of the Upper Las Vegas Wash site as a National Monument would protect the unique fossil resources of the area and the geological context of those resources for present and future generations while allowing for public education and continued scientific research opportunities.

LEGISLATIVE HISTORY

S. 974 was introduced by Senators Reid and Heller on May 16, 2013. The Subcommittee on National Parks held a hearing on S. 974 on July 31, 2013 (S. Hrg. 113-93). At its business meeting on December 19, 2013, S. 974 was ordered reported favorably with an amendment in the nature of a substitute.

Similar legislation, S. 3346, was introduced in the 112th Congress by Senator Reid on June 27, 2012.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on December 19, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 974, if amended as described herein. Senators Lee and Scott asked to be recorded as voting no.

COMMITTEE AMENDMENT

During its consideration of S. 974, the Committee adopted an amendment in the nature of a substitute. The amendment makes several clarifying and conforming changes to the bill text, updates map and acreage references, and removes the designation of an economic support area within the Nellis Dunes Off-Highway Vehicle Recreation Area section.

The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument Act of 2013” and a table of contents for the bill.

Section 2(a) contains Congressional findings relating to the significance of the resources associated with the Tule Springs Fossil Beds National Monument (monument).

Subsection (b) defines key terms used in the section.

Subsection (c) establishes the Tule Springs Fossil Beds National Monument in Nevada, comprising approximately 22,650 acres of public land near Las Vegas, to be administered as a unit of the National Park System. The Secretary of the Interior (Secretary) is authorized to acquire lands and interests in land within the boundaries of the monument by purchase, donation, or exchange, except that lands owned by the State of Nevada or a political subdivision of the State may only be acquired by donation or exchange. The land within the monument is withdrawn from the public land laws, the mining laws, and the mineral leasing, geothermal leasing, and minerals materials laws, subject to valid existing rights.

The subsection directs the Secretary to credit, on an acre-for-acre basis, the land within the monument toward the development of additional non-Federal land within Clark County, Nevada through an amendment to the Clark County Multi-Species Habitat Conservation Plan.

Subsection (d)(1) transfers administrative jurisdiction over the approximately 22,650 acres of land within the monument from the Bureau of Land Management to the National Park Service.

Paragraph (2) directs the Secretary to administer the national monument in a manner that conserves, protects, interprets, and enhances the resources and values of the monument in accordance with this section and the laws generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1 et seq.).

Paragraph (3) clarifies that the establishment of the monument does not create any buffer zones outside of the monument, does not preclude disposal or development of public land adjacent to the monument, and does not preclude activities on private land outside of the monument, if the activity or use is consistent with other applicable law.

Paragraph (4) states that nothing in this Act alters air or water quality standards outside of the monument boundary.

Paragraph (5) directs the Secretary to prepare a management plan to provide for the long-term protection and management of the monument. The plan is to be developed within three years after the date funds are made available.

Paragraph (6) directs the Secretary to provide for public interpretation of, and education and scientific research on, the paleontological resources of the monument, with priority given to the onsite exhibition and curation of monument resources to the extent practicable. The Secretary is authorized to enter into cooperative agreements with the State of Nevada, local governments, non-profit organizations and other appropriate public or private entities to carry out this paragraph.

Subsection (e) authorizes the Secretary, upon receipt of a complete application from a qualified electric utility, to issue a 400-foot wide right-of-way for the construction and maintenance of high-voltage transmission facilities along a designated corridor outside the boundary of the monument, so long as the facilities do not conflict with other previously-authorized rights-of-way within the corridor. The subsection also identifies terms and conditions and other requirements for use of the transmission facilities. The right-of-way will expire 15 years after the date of enactment if construction of the transmission facilities has not been started by then, unless the Secretary determines it to be in the public interest to continue the right-of-way.

Subsection (f) authorizes the Secretary, upon receipt of one or more complete applications from a public water agency, to issue a 100-foot wide right-of-way for the construction, maintenance, repair, and replacement of a buried water conveyance pipeline and associated facilities along a designated corridor within the monument as shown on the referenced map. The subsection also identifies terms and conditions and other requirements for use of the right-of-way.

Subsection (g) establishes the Tule Springs Fossil Beds National Monument Advisory Council, consisting of 10 members appointed by the Secretary, representing the listed governmental entities and other public members. The advisory council is to advise the Secretary with respect to the preparation and implementation of the management plan. The advisory council will sunset 6 years after the date of enactment of this Act unless an extension is jointly recommended by the Director of the National Park Service and the Director of the Bureau of Land Management.

Subsection (h) withdraws the Federal land identified on the referenced map from entry under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing, geothermal leasing, and mineral materials laws.

Section 3 modifies the boundaries of the Red Rock Canyon National Conservation Area to include approximately 1,540 acres of land as identified on the referenced map.

Section 4 directs the Secretary to convey all right, title, and interest of the United States in and to approximately 645 acres of land administered by the Bureau of Land Management (BLM) to the City of North Las Vegas, as depicted on the referenced map. The land is to be conveyed without consideration. The City may sell any portion of the conveyed land for non-residential development, so long as the sale is through a competitive bidding process and for not less than fair market value. Any proceeds from the land sale are to be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998.

The City may retain a portion of the conveyed land for public recreation or other public purposes consistent with the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.). If any land is not sold for non-residential development in accordance with this section or retained for recreation or other public purposes within 30 years after the date of enactment, the land shall revert to the United States at the discretion of the Secretary.

Section 5 directs the Secretary to convey all right, title, and interest of the United States in and to approximately 660 acres of

land administered by the Bureau of Land Management (BLM) to the City of Las Vegas, as depicted on the referenced map. The authority and use requirements for the conveyance are identical to the provisions in section 4 for the City of North Las Vegas.

Section 6 amends section 703 of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282) to convey approximately 176 acres of BLM land to the Las Vegas Metropolitan Police Department, to enlarge a shooting range.

Section 7 amends section 8 of the Spring Mountains National Recreation Area Act (16 U.S.C. 460hhh–6) to provide that lands within the National Recreation Area which would qualify for conveyance under the Small Tracts Act (16 U.S.C. 521c et seq.) or would otherwise be appropriate for exchange under general National Forest System authorities, are not withdrawn from disposal under the public land laws.

Section 8 amends section 4 of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263) to modify the land disposal boundary under that Act, as depicted on the referenced map. The revised disposal boundary excludes approximately 9,950 acres of land (which are lands that are included in the national monument) and adds approximately 6,795 acres of public land to the land disposal boundary. The section also authorizes Clark County to convey lands within the Airport Environs Overlay District to units of local government if the land is used for a water or wastewater treatment facility or any other purpose consistent with the Recreation and Public Purposes Act.

Section 9 provides for the conveyance of three parcels of public land to the Nevada System of Higher Education, without consideration, as depicted on the referenced maps: approximately 40 acres to the College of Southern Nevada; approximately 2,085 acres to the University of Nevada, Las Vegas, for its North Campus; and approximately 285 acres to Great Basin College. As a condition of the conveyances, the Board of Regents of the Nevada System of Higher Education must agree to pay any administrative costs associated with the exchange and agree to use the Federal land for educational and recreational purposes, and to indemnify the United States from uses carried out on the conveyed land before the date of enactment of this Act. The section also requires that the Federal land conveyed under this section for UNLV be used in accordance with the referenced agreement between the Board of Regents and Nellis Air Force Base.

Section 10 directs the Secretary to convey to Clark County, without consideration, all right, title, and interest of the United States in and to approximately 2,350 acres of public land to be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport. The section reserves the mineral estate to the United States and withdraws the land to be conveyed from location entry, and patent under the mining laws and from operation of the mineral leasing and geothermal leasing laws. Clark County shall be responsible for all costs associated with the conveyance.

Section 11 finds that for purposes of section 603 of the Federal Land Policy and Management Act (43 U.S.C. 1782(c)), the Sunrise Mountain Instant Study Area has been adequately studied for wil-

derness designation and is no longer subject to the requirements of section 603 to manage the area to maintain its suitability for wilderness. The area shall be managed in accordance with the applicable BLM land use plans.

Section 12 establishes the Nellis Dunes Off-Highway Vehicle Recreation Area.

Subsection (a) defines key terms used in the section.

Subsection (b) directs the Secretary to convey to Clark County, without consideration, all right, title, and interest of the United States in and to lands identified on the referenced map as the Clark County Off-Highway Vehicle Recreation Park. The conveyed land is to be used by the County to provide for the establishment of a centralized off-road vehicle recreation park in the County. If the County ceases to use any part of the land for off-road vehicle recreation purposes, the land shall revert to the United States, at the discretion of the Secretary.

Subsection (c) designates the approximately 10,035-acre Nellis Dunes Off-Highway Vehicle Recreation Area as depicted on the referenced map.

Section 13 amends section 3011(b) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65) to include approximately 1,120 acres of public land for Nellis Air Force Base.

Section 14 clarifies that nothing in this Act restricts or precludes military overflights, including low-level overflights of military aircraft over Federal land, flight testing and evaluation, and the designation or creation of new units of special airspace or the use or establishment of military flight training routes over the national monument or Red Rock Canyon National Conservation Area.

Section 15 authorizes the appropriation of such sums as are necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 974—Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument Act of 2013

S. 974 would establish a new national monument in southern Nevada. The bill also would require the Bureau of Land Management (BLM) to convey certain federal lands to nonfederal entities. Finally, the bill would modify the way certain parcels of federal land are managed.

Based on information provided by the affected agencies, CBO estimates that implementing the legislation would cost \$10 million over the 2015–2019 period, assuming appropriation of the necessary amounts. Because enacting S. 974 would reduce offsetting receipts, which are treated as reductions in direct spending, pay-as-you-go procedures apply; however, CBO estimates that the net impact on such receipts would be negligible. Enacting the bill would not affect revenues.

S. 974 would establish the Tule Springs Fossil Beds National Monument from about 23,000 acres of federal land currently managed by BLM. The bill would transfer administrative jurisdiction over the land to the National Park Service (NPS). Based on infor-

mation provided by NPS, CBO estimates that operating the monument would cost about \$2 million annually.

The bill also would direct BLM to convey several parcels of federal land in Nevada to various public entities at no cost. CBO expects that, under current law, some of those parcels, which total less than 6,000 acres, would be conveyed under the Recreation and Public Purposes Act, which allows BLM to convey lands to public entities for \$10 per acre. Therefore, CBO estimates that enacting the bill would reduce offsetting receipts; however, we estimate that the amount of lost receipts would total less than \$60,000.

Finally, the bill would change the way certain BLM lands are managed by expanding a national conservation area, establishing a new recreation area, and transferring BLM lands to NPS to be included as part of the Tule Springs Fossil Beds National Monument and to the Air Force to expand Nellis Air Force Base. Because CBO expects that the affected lands would not generate receipts over the next 10 years and because those lands are currently being managed by the federal government in a manner consistent with how they would be managed under the bill, CBO estimates that implementing those provisions would have no significant impact on the federal budget.

S. 974 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contacts for this estimate are Jeff LaFave and Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 974.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 974, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 974, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The statement for the record provided by Bureau of Land Management for the July 31, 2013, Subcommittee on National Parks hearing on S. 974 follows:

STATEMENT FOR THE RECORD, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, SUBCOMMITTEE ON NATIONAL PARKS

Thank you for inviting the Department of the Interior to testify on S. 974, the Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument Act. The Department generally supports S. 974 and would welcome the opportunity to work with the Sponsor and Committee on modifications to provisions of the bill.

BACKGROUND

The Las Vegas Valley is home to nearly 2 million people, the famous Las Vegas Strip, spectacular desert landscapes, and historic, cultural, and paleontological treasures. Balancing the protection of these important natural, cultural, and scientific resources with economic development and growth is a challenge embraced by Senator Reid and the Nevada delegation. Over the last 20 years, a number of laws have been enacted to help maintain that balance. Among these are: the Red Rock Canyon National Conservation Area Establishment Act (P.L. 101-621); the Southern Nevada Public Land Management Act (P.L. 105-263); and the Clark County Conservation of Public Land and Natural Resources Act (P.L. 107-282), several of which are the subject of today's hearing.

S. 974

Tule Springs Fossil Beds National Monument (Section 2)

S. 974 would designate a new unit of the National Park Service (NPS)—the Tule Springs Fossil Beds National Monument. This bill would transfer administrative jurisdiction of approximately 22,650 acres of public land from the Bureau of Land Management to the National Park Service. The bill would establish the Tule Springs Fossil Beds National Monument Advisory Commission to provide guidance for the management of the Monument.

The Department supports the establishment of the Tule Springs Fossil Beds National Monument and the Advisory Council. The NPS does not currently have a park designated specifically to protect and interpret Pleistocene fossils and the creation of this site would comprise the most significant Pleistocene paleontological resources in the American southwest. However, since a special resource study has not been completed, there are many outstanding questions regarding the most efficient and effective means for managing this area.

The NPS completed a Reconnaissance Report for the Upper Las Vegas Wash/Tule Springs area in June 2010. Preliminary findings from this report indicated that the resources in this area appeared to be nationally significant and suitable for inclusion in the national park system but further study would be needed to compare the resources of Tule Springs to other similar areas that represent nation-

ally significant resources of the late Pleistocene epoch. Preliminary findings also indicated that the area is potentially feasible but that the initial determination would greatly benefit from a full study of alternatives that would more fully examine site issues such as vandalism, unauthorized removal of fossils, and ORV use that may affect future options for management and protection of the area. Additionally, the report recommends an analysis of operational costs, particularly those associated with an active paleontology management program involving the preparation and curation of fossils, such as collection storage equipment, materials and supplies, dedicated curation space, and staff time to prepare fossils.

Section 2(d)(5)(B)(IV) directs the NPS to include a travel management plan for the national monument that may include existing public transit. Although it is unclear what is being proposed by this language, this proposed monument is on the border of the cities of Las Vegas and North Las Vegas and transit options for existing residents will be taken in account during the planning process.

Finally, section 2(e) provides for a renewable energy transmission corridor to be managed by the Bureau of Land Management (BLM) on the north side of the new National Monument. The BLM recommends that this narrow strip of land be withdrawn from the mining and mineral leasing laws, and that access to these lands be limited to administrative uses in order to avoid incompatible activities.

*Red Rock Canyon National Conservation Area Additions
(Section 3)*

First established by an Act of Congress in 1990, the 196,000-acre Red Rock Canyon National Conservation Area (NCA) is located 17 miles west of the Las Vegas Strip. The NCA welcomes over one million visitors annually who are looking to explore the natural wonders beyond the traditional Las Vegas experience. The Red Rock Canyon NCA offers opportunities for hiking, rock climbing, horseback riding, biking, and photography. A 13-mile scenic drive provides an up close look at this spectacular desert landscape.

The BLM supports the provisions of S. 974 (Section 3) which propose to expand the boundaries of the NCA by approximately 1,540 acres. We would like to work with the Sponsor and the Committee on some minor boundary modifications to improve manageability of the NCA addition.

*Conveyances to the Cities of North Las Vegas & Las Vegas
(Sections 4 & 5)*

S. 974 (Sections 4 & 5) provides for the conveyance of public lands to the city of North Las Vegas (645 acres) and the city of Las Vegas (660 acres) respectively at no cost. The lands proposed for conveyance are within the Southern Nevada Public Land Management Act (SNPLMA) (P.L.

105–263) boundary established by Acts of Congress. Under these provisions of the bill, the two local governments would then be able to sell, lease, or otherwise convey these lands at fair market value to third parties. All revenues derived from these conveyances would be distributed consistent with direction under SNPLMA as if the conveyances had been undertaken by the BLM under its existing authorities. Additionally, the bill would allow these governments to retain some of the lands for uses consistent with those allowed under the Recreation and Public Purposes (R&PP) Act, such as for schools, parks and fire stations. All costs related to the initial transfer of land to the city governments or from them to third parties would be the responsibility of the cities of North Las Vegas and Las Vegas.

SNPLMA identified these lands for disposal, and specified the use of the proceeds from the sale of these lands. By transferring the lands to the cities of North Las Vegas and Las Vegas, the bill will allow those communities to determine the development of the lands within their boundaries, while requiring fair market value for subsequent conveyances. The BLM does not oppose these transfers, but recommends amending this section to eliminate the leasing option. Such leases are difficult to oversee and manage; by only allowing reconveyance by the cities through sale or R&PP conveyance, we can better protect the integrity of the process.

Expansion of Police Shooting Range (Section 6)

The Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107–282) transferred 176 acres of BLM-managed public land to the Las Vegas Metropolitan Police Department for a shooting range. S. 974 (Section 6) would transfer an additional 80 acres of BLM-managed lands to the Las Vegas Police Department.

The BLM supports this conveyance, which will allow the Police Department to establish long-range shooting and training facilities. We recommend that the legislation specify that the transfer will be subject to valid existing rights.

Spring Mountain National Recreation Area Withdrawal (Section 7)

The Department of the Interior defers to the Department of Agriculture on the Spring Mountain National Recreation Area provisions of S. 974 (Section 7), which affect lands administered by the U.S. Forest Service.

SNPLMA Boundary Modification (Section 8)

The SNPLMA, as amended, was designed to provide for the responsible disposal of BLM-managed public land within the Las Vegas Valley. Under the Act, funds generated from the sale of these lands are deposited into a special account to be expended consistent with the provisions of the Act. Funds from SNPLMA lands sales have

been used for a variety of purposes as stipulated by the Act, including: acquisition of high value environmentally-sensitive lands; establishment of parks, trails, and natural areas; creation of new conservation initiatives; and a number of other projects. To date, nearly 45,000 acres have been conveyed out of Federal ownership under the provisions of SNPLMA, and approximately 39,500 acres remain to be considered for disposal under SNPLMA.

S. 974 (Section 8) proposes to modify the SNPLMA disposal boundary by removing approximately 9,950 acres of public land currently inside the boundary and by adding approximately 6,795 acres of public land currently outside the boundary, resulting in a net reduction of lands within the SNPLMA boundary of approximately 3,158 acres. Total public land acres within the SNPLMA boundary would be 36,890 acres if S. 974 is enacted. The acres proposed for removal are lands that S. 974 would transfer (Section 2) to the National Park Service for inclusion in the Tule Springs Fossil Beds National Monument. The acres proposed for addition to the boundary are primarily on the northeast and northwest sides of the Las Vegas Valley, and the most significant current uses are for the mining of aggregate materials for construction. The BLM supports section 8 of S. 974.

Conveyances to Nevada Colleges & Universities (Section 9)

The Nevada System of Higher Education (NSHE), a subdivision of the State of Nevada, provides for the education for over 125,000 students throughout the state at eight different colleges and universities. The NSHE is seeking to expand the capacity of three of those schools in southern Nevada in order to improve higher education opportunities.

S. 974 (Section 9) provides for the conveyance of three parcels of public land for three of these colleges and universities in southern Nevada at no cost and for uses consistent with those allowed under the Recreation & Public Purposes Act (R&PP). All costs associated with the transfers would be paid by the NSHE. The three conveyances include approximately 285 acres for the Great Basin College in Pahrump, Nevada, 41 acres for the College of Southern Nevada, and 1,886 acres for the University of Nevada-Las Vegas (UNLV).

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands at nominal costs for recreational and public purposes, including for educational facilities. The BLM generally supports appropriate legislative conveyances at no cost if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyances have a reversionary clause to enforce this requirement.

The BLM supports these conveyances for higher education in S. 974 and would like to work with the Sponsor and the Committee on minor and technical modifications to these provisions. Specifically, we recommend the addi-

tion of a clause allowing the Secretary to add reasonable terms and conditions to the transfer. For example, the lands proposed for transfer for the Great Basin College are adjacent to the BLM's Pahrump Fire Station. In the conveyance documents we may want to include building height restrictions in areas closest to the helipad to ensure safe aerial fire activities. The addition of a "terms and conditions" clause would allow the agency to address this and similar situations.

Ivanpah Airport Conveyance (Section 10)

The Ivanpah Valley Airport Public Lands Transfer Act (P.L. 106-362) provided for the sale of approximately 5,750 acres of public land to Clark County for the construction of a future airport. The completion of the sale of the land and construction of the airport is contingent on a number of factors, including approval by the Federal Aviation Administration (FAA). S. 974 (Section 10) provides for the conveyance, at no cost, of approximately 2,350 acres to the east of the proposed airport for flood mitigation projects related to the airport. The land would not be conveyed unless and until the FAA approves the airport project.

S. 974 also reserves to the Federal government the mineral estate (potentially valuable sand and gravel) of the 2,350 acres to be conveyed for the airport, except that the County may construct flood control facilities and remove aggregate following flood events under the bill. The BLM supports these provisions. However, provisions providing that the County pay all costs associated with this transfer and a terms and conditions clause (similar to those in Section 9 of S. 974) should be added to this section as well.

Sunrise Mountain Instant Study Area Release (Section 11)

The Sunrise Mountain Instant Study Area (ISA) lies to the east of Las Vegas. The 9,700-acre area has been managed by the BLM to protect these lands for possible future wilderness designation as required by law. Over the last decades, and most recently in 2009, the Congress has legislatively released portions of the Sunrise Mountain ISA from those protections, but the BLM does not have the independent authority to release the remaining acres.

The BLM supports the provisions of S. 974 (Section 11) which would release the entire Sunrise Mountain ISA from interim protected status, thereby allowing the consideration of a full range of multiple uses. The Sunrise Mountain ISA does not possess significant wilderness characteristics. Furthermore, it is the assessment of the BLM that this area is appropriate for the expansion of high-voltage transmission lines, including those for renewable energy transmission, as well as a possible interstate natural gas and water pipelines.

*Nellis Dunes Off-Highway Vehicle (OHV Recreation Area
Section 12)*

The Nellis Dunes OHV area is a popular recreation area with over 100,000 visits annually. S. 974 (Section 12) would promote the further development of this area as a destination OHV site. OHV use is a popular and growing activity in Nevada and across the West. The BLM welcomes opportunities to support this type of recreation in appropriate locations.

Studies conducted by the UNLV at the request of the BLM have indicated that there are high levels of naturally occurring arsenic in the Nellis Dunes area. While the area is presently open to OHV use, the BLM makes visitors aware of these potential health concerns. Currently, the UNLV is conducting a health risk assessment of the area in accordance with the Environmental Protection Agency's human health risk assessment processes and protocols. The BLM expects to receive a completed study by late 2014, and believes that it is premature to make permanent decisions about the Nellis Dunes area prior to receiving the final report. Therefore, the BLM recommends deferring sections 12(a), (b), and (c) until the final report is available.

However, if Congress elects to move forward with these provisions of S. 974, the BLM recommends a number of substantive modifications. The bill (Section 12) allocates uses in Nellis Dunes in three parts. First, it establishes a BLM-managed Nellis Dunes Off-Highway Vehicle Recreation Area on approximately 10,000 acres of public land. Second, it transfers approximately 960 acres of public land to Clark County for a more intensively managed OHV Recreation Park. Third, it establishes an "Economic Support Area" adjacent to the other two areas.

The BLM could support the establishment of the Nellis Dunes OHV Recreation Area if our safety concerns are appropriately addressed. Likewise, we could support the transfer of land to Clark County for an OHV Recreation Park if the transfer and management of those lands is done consistent with the R&PP Act, and if the transfer addressed issues outlined in our discussion of Section 9 regarding similar no cost conveyances. Finally, the BLM does not object to the establishment of an Economic Support Area; however, we strongly urge that these 290 acres be sold to the County at fair market value, rather than setting up a system of revenue sharing between the County and Federal government for private enterprises on these lands. The BLM does not typically participate in commercial activities such as these and we do not believe that it would be appropriate in this case.

The BLM would like to work with the Sponsor and Committee on perfecting these sections of S. 974, provided the human health risk assessment determines that establishing an OHV park in this area is appropriate.

Expansion of Nellis Air Force Base (Sections 12(d) & 13)

S. 974 (Sections 12(d) and 13) provides for the expansion of Nellis Air Force Base through withdrawal, reservation, and transfer of administrative jurisdiction of approximately 1,120 acres of BLM-managed public lands. The Administration supports the future use of these lands by the Department of the Air Force for national security purposes. However, these sections permanently transfer administrative jurisdiction over these lands to the Air Force, rather than withdrawing them from the public land and mining laws and reserving them for the military's use for a specific time period, as is more typical and consistent with adjacent military lands. The Administration could support these provisions if they were amended to withdraw and reserve the lands for military use, including terms and conditions of past legislative withdrawals, and if they were subject to valid existing rights. The BLM would also like to work with the Sponsor, the Committee, and the Department of Defense to ensure appropriate access for several mining companies that have long-term contracts for the use of some lands in this area in a manner consistent with the requirements of Nellis Air Force Base.

Military Overflights (Section 14)

Section 14 of the bill would address military overflights over new units established by the bill. Providing for such military overflights requires a careful balancing of conservation and national defense requirements and is highly factually specific. The Department of the Interior believes it needs to conduct additional discussions with the Department of Defense with regard to the specific circumstances of flights over the lands covered by this bill before determining whether legislative guidance is needed and, if so, what form that guidance should take.

CONCLUSION

Thank you for the opportunity to present the Department's views on S. 974. We look forward to working with the sponsor and the Committee to resolve the outstanding issues.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 974 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**CLARK COUNTY CONSERVATION OF PUBLIC LAND AND
NATURAL RESOURCES ACT OF 2002**

PUBLIC LAW 107-282

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clark County Conservation of Public Land and Natural Resources Act of 2002”.

* * * * *

TITLE VII—PUBLIC INTEREST CONVEYANCES

SEC. 701. DEFINITION OF MAP.

In this title, the term “map” means the map entitled “Southern Nevada Public Land Management Act” and dated October 1, 2002.

* * * * *

SEC. 703. CONVEYANCE TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT.

The Secretary shall convey to the Las Vegas Metropolitan Police Department, without consideration, all right, title, and interest and, *subject to valid existing rights, the parcel of land identified as “Las Vegas Police Shooting Range” on the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013.*

* * * * *

SPRING MOUNTAINS NATIONAL RECREATION AREA ACT

(16 U.S.C. 460hhh-6)

AN ACT To establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Spring Mountains National Recreation Area Act”.

* * * * *

SEC. 8. WITHDRAWAL

(a) **IN GENERAL.**—Subject to valid existing rights and except [for lands described] *as provided* in subsection (b), all Federal lands within the Recreation Area are withdrawn from—

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

[(b) EXCEPTION.—The lands referred to in subsection (a) are described as follows: W½E½ and W½, Sec. 27, T23S, R58E, Mt. Diablo Meridian.]

(b) *EXCEPTIONS.*—

(1) *IN GENERAL.*—Notwithstanding subsection (a), *W^{1/2}E^{1/2}* and *W^{1/2} sec. 27, T. 23 S., R. 58 E., Mt. Diablo Meridian* is not subject to withdrawal under that subsection.

(2) *EFFECT OF ENTRY UNDER PUBLIC LAND LAWS.*—Notwithstanding paragraph (1) of subsection (a), the following are not subject to withdrawal under that paragraph:

(A) Any Federal land in the Recreation Area that qualifies for conveyance under Public Law 97-465 (commonly known as the “Small Tracts Act”) (16 U.S.C. 521c et seq.), which, notwithstanding section 7 of that Act (16 U.S.C. 521i), may be conveyed under that Act.

(B) Any Federal land in the Recreation Area that the Secretary determines to be appropriate for conveyance by exchange for non-Federal land within the Recreation Area under authorities generally providing for the exchange of National Forest System land.

* * * * *

SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998

PUBLIC LAW 105-263

AN ACT To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Southern Nevada Public Land Management Act of 1998.

* * * * *

SEC. 4. DISPOSAL AND EXCHANGE.

(a) **DISPOSAL.**—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Director of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled “Southern Nevada Public Land Management Act, [dated October 1, 2002] *dated September 17, 2012.* Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

* * * * *

(e) **DISPOSITION OF PROCEEDS.**—

* * * * *

(3) **AVAILABILITY OF SPECIAL ACCOUNT.**—

(A) **IN GENERAL.**—Amounts deposited in the special account may be expended by the Secretary for—

* * * * *

(x) reimbursement of any costs incurred by the Bureau of Land Management to clear debris from and protect land that is—

(I) located in the disposal boundary described in subsection (a)~~]; and~~;

(II) reserved for affordable housing;

(xi) the Clark County Off-Highway Vehicle Recreation Park; and

~~[(xi)](xii)~~ development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

(I) subject to approval by the Secretary; and

(II) not more than 10 years in duration;

* * * * *

(g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER.— Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

* * * * *

(5) Notwithstanding paragraph (4), subject to paragraphs (1) through (3), Clark County may convey to a unit of local government or regional governmental entity, without consideration, land located within the Airport Environs Overlay District, as identified in the Cooperative Management Agreement described in section 3(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343), if the land is used for a water or wastewater treatment facility or any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

* * * * *

MILITARY LANDS WITHDRAWAL ACT OF 1999

PUBLIC LAW 106–65

AN ACT To authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2000”.

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TITLE XXX—MILITARY LAND WITHDRAWALS

SEC. 3001. SHORT TITLE.

This title may be cited as the “Military Lands Withdrawal Act of 1999”.

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SUBTITLE A—WITHDRAWALS GENERALLY

SEC. 3011. WITHDRAWALS.

* * * * *

(b) **NELLIS AIR FORCE RANGE, NEVADA.—**

(1) **DEPARTMENT OF AIR FORCE.—**Subject to valid existing rights and except as otherwise provided in this subtitle, the public lands described in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Air Force—

* * * * *

(4) **LAND DESCRIPTION.—**The public lands and interests in lands withdrawn and reserved by paragraphs (1) and (2) [comprise approximately] (A) *approximately 2,919,890 acres of land in Clark, Lincoln, and Nye Counties, Nevada, as generally depicted on the map entitled “Nevada Test and Training Range, Proposed Withdrawal Extension”, dated April 22, 1999, and filed in accordance with section 3012; approximately 710 acres of land in Clark County, Nevada, identified as “Addition to Nellis Air Force Base” on the map entitled “Nellis Dunes Off-Highway Vehicle Recreation Area” and dated June 26, 2012; and approximately 410 acres of land in Clark County, Nevada, identified as “Addition to Nellis Air Force Base” on the map entitled “North Las Vegas Valley Overview” and dated November 5, 2013.*

* * * * *

(6) **EXISTING MINERAL MATERIALS CONTRACTS.—**

(A) **APPLICABILITY.—***Section 3022 shall not apply to any mineral material resource authorized for sale by the Secretary of the Interior under a valid contract for the duration of the contract.*

(B) **ACCESS.—***Notwithstanding any other provision of this subtitle, the Secretary of the Air Force shall allow adequate and reasonable access to mineral material resources authorized for sale by the Secretary of the Interior under a valid contract for the duration of the contract.*

* * * * *