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S. 94

To provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

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

A BILL

To provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southern Nevada Pub-
5 lic Land Management Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The Bureau of Land Management has ex-
9 tensive land ownership in small and large parcels

1 interspersed with or adjacent to private land in the
2 Las Vegas Valley, Nevada, making many of these
3 parcels difficult to manage and more appropriate for
4 disposal.

5 (2) In order to promote responsible and orderly
6 development in the Las Vegas Valley, certain of
7 those Federal lands should be sold or exchanged by
8 the Federal Government based on recommendations
9 made by local government and the public.

10 (3) The value of land in the Las Vegas Valley
11 is enhanced by local infrastructure improvements
12 which are paid for by local government.

13 (4) The Las Vegas metropolitan area is the
14 fastest growing urban area in the United States,
15 which is causing significant impacts upon the Lake
16 Mead National Recreation Area, the Red Rock Can-
17 yon National Conservation Area, and the Spring
18 Mountains National Recreation Area, which sur-
19 round the Las Vegas Valley.

20 (b) PURPOSE.—The purpose of this Act is to provide
21 for the orderly disposal of certain Federal lands in Clark
22 County Nevada, and to provide for the acquisition of envi-
23 ronmentally sensitive lands in the State of Nevada.

24 **SEC. 3. DEFINITIONS.**

25 As used in this Act:

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

3 (2) The term “Secretaries” means the Sec-
4 retary of the Interior and the Secretary of Agri-
5 culture.

6 (3) The term “unit of local government” means
7 Clark County, the City of Las Vegas, the City of
8 North Las Vegas, or the City of Henderson; all in
9 the State of Nevada.

10 (4) The term “Agreement” means the agree-
11 ment entitled “The Interim Cooperative Manage-
12 ment Agreement Between The United States De-
13 partment of the Interior—Bureau of Land Manage-
14 ment and Clark County”, dated November 4, 1992.

15 (5) The term “special account” means the ac-
16 count in the Treasury of the United States estab-
17 lished under section 4(e)(1)(C).

18 (6) The term “Recreation and Public Purposes
19 Act” means the Act entitled “An Act to authorize
20 acquisition or use of public lands by States, counties,
21 or municipalities for recreational purposes”, ap-
22 proved June 14, 1926 (43 U.S.C. 869 et seq.).

23 (7) The term “regional governmental entity”
24 means the Southern Nevada Water Authority, the
25 Las Vegas Valley Water District, the Regional Flood

1 Control District, and the Clark County Sanitation
 2 District.

3 **SEC. 4. DISPOSAL.**

4 (a) DISPOSAL.—Notwithstanding the land use plan-
 5 ning requirements contained in sections 202 and 203 of
 6 the Federal Land Policy and Management Act of 1976(43
 7 U.S.C. 1711 and 1712), the Secretary, in accordance with
 8 this Act, the Federal Land Policy and Management Act
 9 of 1976, and other applicable law, is authorized to dispose
 10 of lands within the boundary of the area under the juris-
 11 diction of the Director of the Bureau of Land Manage-
 12 ment in Clark County, Nevada, as generally depicted on
 13 the map entitled “Las Vegas Valley, Nevada, Land Dis-
 14 posal Map”, numbered ____, and dated _____. Such map
 15 shall be on file and available for public inspection in the
 16 offices of the Director and the Las Vegas District of the
 17 Bureau of Land Management.

18 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

19 (1) RECREATION AND PUBLIC PURPOSE ACT
 20 CONVEYANCES.—Not less than 30 days before the
 21 offering of lands for sale or entering into an agree-
 22 ment to initiate an exchange pursuant to subsection
 23 (a), the State of Nevada or the unit of local govern-
 24 ment in whose jurisdiction the lands are located may

1 elect to obtain any such lands for local public pur-
2 poses pursuant to the Recreation and Public Pur-
3 poses Act. Pursuant to any such election, the Sec-
4 retary shall segregate the elected lands in the name
5 of the State of Nevada or such unit of local govern-
6 ment.

7 (2) RIGHTS-OF-WAY.—

8 (A) ISSUANCE.—Upon application by a
9 unit of local government or regional govern-
10 mental entity, the Secretary, in accordance with
11 this Act and the Federal Land Policy and Man-
12 agement Act of 1976, shall issue right-of-way
13 grants on federal lands in Clark County, Ne-
14 vada, for all reservoirs, canals, channels,
15 ditches, pipes, pipelines, tunnels and other fa-
16 cilities and systems needed for—

17 (i) the impoundment, storage, treat-
18 ment, transportation or distribution of
19 water or wastewater; or

20 (ii) flood control management.

21 (B) DURATION.—Right-of-way grants is-
22 sued under this paragraph shall be valid in per-
23 petuity.

1 (C) WAIVER OF FEES.—Right-of-way
 2 grants issued under this paragraph shall not re-
 3 quire the payment of rental or cost recovery
 4 fees.

5 (3) YOUTH ACTIVITY FACILITIES.—Notwith-
 6 standing any other provision of law, the Secretary
 7 shall make available to Clark County, Nevada, the
 8 land depicted on the map entitled “Las Vegas Val-
 9 ley, Nevada, Youth Facilities”, numbered ____ and
 10 dated _____, in accordance with the Recreation
 11 and Public Purposes Act for the construction of
 12 youth activity facilities.

13 (c) WITHDRAWAL.—Subject to valid existing rights,
 14 all Federal lands identified in subsection (a) for disposal
 15 are withdrawn from location, entry, and patent under the
 16 mining laws and from operation under the mineral leasing
 17 and geothermal leasing laws.

18 (d) SELECTION.—

19 (1) JOINT SELECTION REQUIRED.—The Sec-
 20 retary and the unit of local government in whose ju-
 21 risdiction lands referred to in subsection (a) are lo-
 22 cated shall jointly select lands to be offered for sale
 23 or exchange under this section. The Secretary shall
 24 coordinate land disposal activities with the unit of
 25 local government in whose jurisdiction such lands

1 are located. Land disposal activities of Secretary
2 shall be consistent with local land use planning and
3 zoning requirements and recommendations.

4 (2) OFFERING.—After land has been selected in
5 accordance with this subsection, the Secretary shall
6 make the first offering of land as soon as practicable
7 after the date of enactment of this Act.

8 (e) DISPOSITION OF PROCEEDS.—

9 (1) LAND SALES.—Of the gross proceeds of
10 sales of land under this subsection in a fiscal year—

11 (A) 5 percent shall be paid directly to the
12 State of Nevada for use in the general edu-
13 cation program of the State.

14 (B) 10 percent shall be paid directly to the
15 Southern Nevada Water Authority for water
16 treatment and transmission facility infrastruc-
17 ture in Clark County, Nevada.

18 (C) The remainder shall be deposited in a
19 special account in the Treasury of the United
20 States for use pursuant to the provisions of
21 paragraph(3). Amounts in the special account
22 shall be available to the Secretaries without fur-
23 ther appropriation and shall remain available
24 until expended.

1 (2) LAND EXCHANGES.—In the case of a land
 2 exchange under this section, the non-Federal party
 3 shall provide direct payments to the State of Nevada
 4 and the Southern Nevada Water Authority in ac-
 5 cordance with paragraphs (1) (A) and (B). The pay-
 6 ments shall be based on the appraised fair market
 7 value of the Federal lands to be conveyed in the ex-
 8 change and shall be considered a cost incurred by
 9 the non-Federal party that may be compensated by
 10 the Secretary pursuant to any agreement to initiate
 11 exchange.

12 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

13 (A) IN GENERAL.—Amounts deposited in
 14 the special account may be expended by the
 15 Secretaries, acting jointly, for—

16 (i) the acquisition of environmentally
 17 sensitive land in the State of Nevada in ac-
 18 cordance with section 5, with priority given
 19 to lands located with Clark County;

20 (ii) capital improvements at the Lake
 21 Mead National Recreation Area, the
 22 Desert National Wildlife Refuge, the Red
 23 Rock Canyon National Conservation Area

1 and other areas administered by the Bu-
2 reau of Land Management in Clark Coun-
3 ty, and the Spring Mountains National
4 Recreation Area;

5 (iii) development of a multi-species
6 habitat conservation plan in Clark County,
7 Nevada; and

8 (iv) the development of parks, trails,
9 and natural areas in Clark County, Ne-
10 vada, pursuant to a cooperative agreement
11 with a unit of local government.

12 (B) PROCEDURES.—The Secretaries shall
13 jointly develop procedures for the use of the
14 special account that ensure accountability and
15 demonstrated results.

16 (C) LIMITATION.—Not more than 50 per-
17 cent of the amounts available to the Secretaries
18 from the special account (determined without
19 taking into account amounts deposited under
20 subsection (g)(4)) may be used in any fiscal
21 year for the purposes described in subpara-
22 graph (A)(ii).

23 (f) INVESTMENT OF SPECIAL ACCOUNT.—All funds
24 deposited as principal in the special account shall earn in-
25 terest in the amount determined by the Secretary of the

1 Treasury on the basis of the current average market yield
 2 on outstanding marketable obligations of the United
 3 States of comparable maturities. Such interest shall be
 4 added to the principal of the account and expended ac-
 5 cording to the provisions of subsection (e)(3).

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

12 (1) Valid existing rights.

13 (2) Clark County agrees to manage such lands
 14 in accordance with the Agreement and with section
 15 45704 of title 49, United States Code (relating to
 16 airport noise compatibility planning), and regula-
 17 tions promulgated pursuant to that section.

18 (3) Clark County agrees that if any of such
 19 lands are sold or leased by Clark County, such sale
 20 or lease shall contain a limitation which requires
 21 uses compatible with the Agreement and such Air-
 22 port Noise Compatibility Planning provisions.

23 (4) Clark County agrees that if any such lands
 24 are sold or leased by Clark County, such lands shall
 25 be sold or leased for fair market value. Clark County

1 shall contribute 85 percent of the gross proceeds
2 from the sale or lease of such lands directly to the
3 special account. If any of such lands sold or leased
4 by Clark County are identified on the map ref-
5 erenced in Section 2(a) of the Act entitled “An Act
6 to provide for the orderly disposal of certain Federal
7 lands in Nevada and for the acquisition of certain
8 other lands in the Lake Tahoe Basin, and for other
9 purposes”, approved December 23, 1980 (94 Stat.
10 3381; commonly known as the “Santini-Burton
11 Act”), the proceeds contributed to the special ac-
12 count by Clark County from the sale or lease of such
13 lands shall be used by the Secretary of Agriculture
14 to acquire environmentally sensitive land in the Lake
15 Tahoe Basin pursuant to section 3 of the Santini-
16 Burton Act. Clark County shall contribute 5 percent
17 of the gross proceeds from the sale or lease of such
18 lands directly to the State of Nevada for use in the
19 general education program of the State, and the re-
20 mainder shall be available for use by the Clark
21 County Department of Aviation for the benefit of
22 airport development and the Noise Compatibility
23 Program.

24 **SEC. 5. ACQUISITIONS.**

25 (a) ACQUISITIONS.—

1 (1) DEFINITION.—For purposes of this sub-
2 section, the term “environmentally sensitive land”
3 means land or an interest in land, the acquisition of
4 which by the United States would, in the judgment
5 of the Secretary of the Interior or the Secretary of
6 Agriculture—

7 (A) promote the preservation of natural,
8 scientific, aesthetic, historical, cultural, water-
9 shed, wildlife, and other values contributing to
10 public enjoyment and biological diversity;

11 (B) enhance recreational opportunities and
12 public access;

13 (C) provide the opportunity to achieve bet-
14 ter management of public land through consoli-
15 dation of Federal ownership; or

16 (D) otherwise serve the public interest.

17 (2) IN GENERAL.—After the consultation proc-
18 ess has been completed in accordance with para-
19 graph (3), the Secretaries may acquire by donation,
20 purchase with donated or appropriated funds, or ex-
21 change environmentally sensitive land and interests
22 in environmentally sensitive land. Lands may not be
23 acquired under this section without the consent of
24 the owner thereof.

1 (3) CONSULTATION.—Before initiating efforts
2 to acquire land under this subsection, the Secretary
3 of the Interior or the Secretary of Agriculture shall
4 consult with the State of Nevada and with local gov-
5 ernment within whose jurisdiction the lands are lo-
6 cated, including appropriate planning and regulatory
7 agencies, and with other interested persons, concern-
8 ing the necessity of making the acquisition, the po-
9 tential impacts on State and local government, and
10 other appropriate aspects of the acquisition. Con-
11 sultation under this paragraph is in addition to any
12 other consultation required by law.

13 (b) ADMINISTRATION.—On acceptance of title by the
14 United States, land and interests in land acquired under
15 this section that is within the boundaries of a unit of the
16 National Forest System, National Park System, National
17 Wildlife Refuge System, National Wild and Scenic Rivers
18 System, National Trails System, National Wilderness
19 Preservation System, any other system established by Act
20 of Congress, or any national conservation or national
21 recreation area established by Act of Congress—

22 (1) shall become part of the unit or area with-
23 out further action by the Secretary of the Interior
24 or Secretary of Agriculture; and

1 (2) shall be managed in accordance with all
 2 laws and regulations and land use plans applicable
 3 to the unit or area.

4 (c) DETERMINATIONS OF FAIR MARKET VALUE.—
 5 The fair market value of land or an interest in land to
 6 be acquired by the Secretary of the Interior or the Sec-
 7 retary of Agriculture under this section shall be deter-
 8 mined pursuant to section 206 of the Federal Land Policy
 9 and Management Act of 1976 and shall be consistent with
 10 other applicable requirements and standards. Fair market
 11 value shall be determined without regard to the presence
 12 of a species listed as threatened or endangered under the
 13 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

14 (d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)
 15 of title 31, United States Code, is amended—

16 (1) by striking “or” at the end of subparagraph
 17 (F);

18 (2) by striking the period at the end of sub-
 19 paragraph (G) and inserting”; or ”; and

20 (3) by adding at the end the following:

21 “(H) acquired by the Secretary of the Inte-
 22 rior or the Secretary of Agriculture under sec-
 23 tion 5 of the Southern Nevada Public Land
 24 Management Act of 1996 that is not otherwise
 25 described in subparagraphs (A) through (G).”.

1 **SEC. 6. REPORT.**

2 The Secretary of the Interior, in cooperation with the
3 Secretary of Agriculture, shall submit to the Committee
4 on Energy and Natural Resources of the Senate and the
5 Committee on Resources of the House of Representatives
6 an annual report on all transactions under this Act.

7 **SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.**

8 (a) TRANSFER OF REVERSIONARY INTEREST.—

9 (1) IN GENERAL.—Upon request by a grantee
10 of lands within Clark County, Nevada, that are sub-
11 ject to a lease or patent issued under the Recreation
12 and Public Purposes Act, the Secretary may transfer
13 the reversionary interest in such lands to other non-
14 Federal lands. The transfer of the reversionary in-
15 terest shall only be made to lands of equal value, ex-
16 cept that with respect to the State of Nevada or a
17 unit of local government an amount equal to the ex-
18 cess (if any) of the fair market value of lands re-
19 ceived by the unit of local government over the fair
20 market value of lands transferred by the unit of
21 local government shall be paid to the Secretary and
22 shall be treated under section 4(e)(1) of this Act as
23 proceeds from the sale of land. For purposes of this
24 subsection, the fair market value of lands to be
25 transferred by the State of Nevada or a unit of local

1 government may be based upon a statement of value
2 prepared by a qualified appraiser.

3 (2) TERMS AND CONDITIONS APPLICABLE TO
4 LANDS SELECTED.—Land selected under this section
5 by a grantee described in paragraph (1) shall be
6 subject to the terms and conditions, uses, and acre-
7 age limitations of the lease or patent to which the
8 lands transferred by the grantee were subject, in-
9 cluding the reverter provisions, under the Recreation
10 and Public Purposes Act.

11 (b) AFFORDABLE HOUSING.—The Secretary, in con-
12 sultation with the Secretary of Housing and Urban Devel-
13 opment, may make available land in the State of Nevada
14 in accordance with the Recreation and Public Purposes
15 Act for affordable housing purposes. Such lands shall be
16 made available only to State or local governmental enti-
17 ties, including local public housing authorities. For the
18 purposes of this subsection, housing shall be considered
19 to be affordable housing if the housing is assisted under
20 the United States Housing Act of 1937 (42 U.S.C. 1437
21 et seq.).

1 **SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON**
2 **NATIONAL CONSERVATION AREA.**

3 Section 3(a)(2) of the Red Rock Canyon National
4 Conservation Area Establishment Act of 1990 (16 U.S.C.
5 460ccc-1(a)(2)) is amended to read as follows:

6 “(2) The conservation area shall consist of approxi-
7 mately 197,300 acres as generally depicted on the map
8 entitled ‘Red Rock Canyon National Conservation Area—
9 Proposed Modification’, numbered ____, and dated
10 ____”.

○