

106TH CONGRESS
1ST SESSION

S. 930

To provide for the sale of certain public land in the Ivanpah Valley, Nevada,
to the Clark County, Nevada, Department of Aviation.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 1999

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

A BILL

To provide for the sale of certain public land in the Ivanpah
Valley, Nevada, to the Clark County, Nevada, Depart-
ment of Aviation.

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 “Ivanpah Valley Airport
5 Public Land Transfer Act”.

6 **SEC. 2. CONVEYANCE TO CLARK COUNTY, NEVADA, DE-**
7 **PARTMENT OF AVIATION.**

8 (a) IN GENERAL.—

1 (1) CONVEYANCE.—Notwithstanding the land
2 use planning requirements contained in sections 202
3 and 203 of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1711, 1712), on occur-
5 rence of the conditions specified in subsection (b),
6 the Secretary of the Interior (referred to in this sec-
7 tion as the “Secretary”) shall convey to Clark Coun-
8 ty, Nevada, on behalf of the Department of Aviation
9 (referred to in this section as the “Department”), all
10 right, title, and interest of the United States in and
11 to the public land identified for disposition on the
12 map entitled “Ivanpah Valley, Nevada-Airport Selec-
13 tions” numbered 01 and dated April 1999, for the
14 purpose of developing an airport facility and related
15 infrastructure.

16 (2) MAP.—The map described in paragraph (1)
17 shall be on file and available for public inspection in
18 the offices of the Director of the Bureau of Land
19 Management and the Las Vegas District of the Bu-
20 reau of Land Management.

21 (b) CONDITIONS.—The Secretary shall make the con-
22 veyance under subsection (a) if—

23 (1) the Department conducts an airspace as-
24 sessment to identify any potential adverse effect on
25 access to the Las Vegas basin under visual flight

1 rules that would result from the construction and
2 operation of a commercial or primary airport, or
3 both, on the land to be conveyed;

4 (2) the Administrator of the Federal Aviation
5 Administration certifies to the Secretary that—

6 (A) the assessment under paragraph (1) is
7 thorough; and

8 (B) alternatives have been developed to ad-
9 dress each adverse effect identified in the as-
10 sessment, including alternatives that ensure ac-
11 cess to the Las Vegas basin under visual flight
12 rules at a level that is equal to or better than
13 the access in existence as of the date of enact-
14 ment of this Act; and

15 (3) the Department enters into an agreement
16 with the Secretary to retain ownership of Jean Air-
17 port and to maintain and develop Jean Airport as a
18 general aviation airport.

19 (c) PHASED CONVEYANCES.—At the option of the
20 Department, the Secretary shall convey the land described
21 in subsection (a) in parcels over a period of up to 20 years,
22 as may be required to carry out the phased construction
23 and development of the airport facility and infrastructure
24 on the land.

25 (d) CONSIDERATION.—

1 (1) IN GENERAL.—As consideration for the con-
2 veyance of each parcel, the Department shall pay the
3 United States an amount equal to the fair market
4 value of the parcel.

5 (2) DETERMINATION OF FAIR MARKET
6 VALUE.—

7 (A) INITIAL 3-YEAR PERIOD.—During the
8 3-year period beginning on the date of enact-
9 ment of this Act, the fair market value of a
10 parcel to be conveyed under subsection (a) shall
11 be based on an appraisal of the fair market
12 value of the parcel as of a date not later than
13 180 days after the date of enactment of this
14 Act.

15 (B) SUBSEQUENT APPRAISALS.—

16 (i) IN GENERAL.—The fair market
17 value of each parcel conveyed after the end
18 of the 3-year period referred to in subpara-
19 graph (A) shall be based on a subsequent
20 appraisal.

21 (ii) FACTORS.—An appraisal con-
22 ducted after that 3-year period—

23 (I) shall take into consideration
24 the parcel in its unimproved state;
25 and

1 (II) shall not reflect any enhance-
2 ment in the value of the parcel based
3 on the existence or planned construc-
4 tion of infrastructure on or near the
5 parcel.

6 (3) USE OF PROCEEDS.—The proceeds of the
7 sale of each parcel—

8 (A) shall be deposited in the special ac-
9 count established under section 4(e)(1)(C) of
10 the Southern Nevada Public Land Management
11 Act of 1998 (112 Stat. 2345); and

12 (B) shall be disposed of by the Secretary
13 as provided in section 4(e)(3) of that Act (112
14 Stat. 2346).

15 (e) REVERSIONARY INTEREST.—

16 (1) IN GENERAL.—During the 5-year period be-
17 ginning 20 years after the date on which the Sec-
18 retary conveys the first parcel under subsection (a),
19 if the Secretary determines that the Department is
20 not developing or progressing toward the develop-
21 ment of the parcel as part of an airport facility, the
22 Secretary may exercise a right to reenter the parcel.

23 (2) PROCEDURE.—Any determination of the
24 Secretary under paragraph (1) shall be made on the
25 record after an opportunity for a hearing.

1 (3) REFUND.—If the Secretary exercises a right
 2 to reenter a parcel under paragraph (1), the Sec-
 3 retary shall refund to the Department an amount
 4 that is equal to the amount paid for the parcel by
 5 the Department.

6 (f) WITHDRAWAL.—The public land described in sub-
 7 section (a) is withdrawn from mineral entry under—

8 (1) sections 910, 2318 through 2340, and 2343
 9 through 2346 of the Revised Statutes (commonly
 10 known as the “General Mining Law of 1872”) (30
 11 U.S.C. 21, 22, 23, 24, 26 through 30, 33 through
 12 43, 46 through 48, 50 through 53); and

13 (2) the Act of February 25, 1920 (commonly
 14 known as the “Mineral Lands Leasing Act of
 15 1920”) (41 Stat. 437, chapter 85; 30 U.S.C. 181 et
 16 seq.).

17 (g) MOJAVE NATIONAL PRESERVE.—The Secretary
 18 of Transportation shall consult with the Secretary in the
 19 development of an airspace management plan for the
 20 Ivanpah Valley Airport that, to the extent practicable and
 21 without adversely affecting safety considerations, restricts
 22 aircraft arrivals and departures over the Mojave National
 23 Preserve, California.

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