

108TH CONGRESS
2D SESSION

H. R. 4332

To provide for the proper development of Federal lands in Clark County, Nevada, to best promote public welfare and economic development consistent with surrounding airport usage.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2004

Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the proper development of Federal lands in Clark County, Nevada, to best promote public welfare and economic development consistent with surrounding airport usage.

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. PROPER DEVELOPMENT OF FEDERAL LANDS**

4 **IN CLARK COUNTY, NEVADA.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) In 1992, the Bureau of Land Management
8 and Clark County, Nevada, entered into an Interim

1 Cooperative Management Agreement to coordinate
2 in the disposal and management of Federal lands
3 and areas affected by aircraft noise.

4 (2) The Agreement restricts development of
5 those Federal lands in the affected area generally
6 known as the airport overlay district to certain com-
7 patible uses. Those compatible uses do not include
8 transient lodging.

9 (3) The Southern Nevada Public Land Manage-
10 ment Act of 1998 (31 U.S.C. 6901 note) provides
11 for the transfer of Federal lands in the airport over-
12 lay district to Clark County, Nevada, but limits
13 Clark County's ability to sell, lease, or convey those
14 lands for uses that are deemed incompatible uses
15 under the Agreement.

16 (4) The restrictions on incompatible uses in the
17 airport overlay district only apply to those publicly
18 owned lands governed by the Southern Nevada Pub-
19 lic Land Management Act of 1998. Uses that are
20 deemed incompatible for public lands can and do fre-
21 quently occur in the airport overlay district on pri-
22 vately owned lands, and can even directly abut those
23 Federal lands governed by the Agreement where in-
24 compatible uses are prohibited.

1 (5) The restrictions on certain uses by the
2 Southern Nevada Public Land Management Act of
3 1998 diminish the revenues that the public receives
4 from the sale, lease, or conveyance of public lands in
5 the airport overlay district by prohibiting incompat-
6 ible uses, even though those uses may, considering
7 the uses of surrounding privately owned property, be
8 the most appropriate and beneficial use.

9 (6) The public interest would better be served
10 by allowing some incompatible uses in the airport
11 overlay area where the public lands are sufficiently
12 surrounded by private property that is being put to
13 uses that are also deemed incompatible uses under
14 the Agreement.

15 (7) The public benefits because it will earn
16 greater revenue from allowing certain uses that are
17 incompatible under the Agreement, but which, under
18 the circumstances, do not materially contribute to
19 problems of noise pollution since surrounding prop-
20 erties are already being put to such incompatible
21 uses.

22 (8) Currently, the public is not realizing the
23 best return because the revenue generating capacity
24 of these public lands is diminished by the restric-
25 tions on incompatible uses, but the purpose of such

1 restrictions, alleviating noise pollution, is not materi-
2 ally advanced since incompatible uses are allowed on
3 the neighboring privately owned properties.

4 (9) There are existing hotel properties (tran-
5 sient lodging) on 3 sides of the subject property as
6 follows: on the west side 3 new hotels have just been
7 completed; on the north side there is an existing
8 hotel and a convention center; and on the east side
9 there are 3 older hotels.

10 (10) Because of the unique circumstances of
11 the property, allowance of the nonconforming use of
12 transient lodging is in the public interest by allowing
13 the public to benefit from a higher revenue gener-
14 ating use of the property without materially contrib-
15 uting to the problem of noise pollution which the
16 Agreement and the Southern Nevada Public Land
17 Management Act of 1998 seek to diminish.

18 (b) PURPOSES.—The purpose of this section is to fa-
19 cilitate the public's most beneficial use of public lands in
20 a manner consistent with the purposes and objectives of
21 the Agreement and the Southern Nevada Public Land
22 Management Act of 1998.

23 (c) PERMITTED USES.—Notwithstanding section
24 4(g)(3) of the Southern Nevada Public Land Management
25 Act of 1998 (112 Stat. 2346), Clark County may sell,

1 lease, or otherwise convey the property and allow the non-
2 conforming use of transient lodging on the property.

3 (d) DEFINITIONS.—For the purposes of this section,
4 the following definitions apply:

5 (1) AGREEMENT.—The term “Agreement”
6 means the agreement referred to in section 1(a)(1).

7 (2) PROPERTY.—The term “property” means
8 the parcel of Clark County Department of Aviation
9 land consisting of approximately 11.404 acres lo-
10 cated in the north half (N ½) of the northeast quar-
11 ter (NE ¼) of section 32, township 21 south, range
12 61 east, Mountain Diablo Base and Meridian, Clark
13 County, Nevada.

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