

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.

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## 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

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## 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.

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 materially advanced since incompatible uses are allowed on  
2       the neighboring privately owned properties.

4               (9) There are existing hotel properties (transient lodging) on 3 sides of the subject property as  
5       follows: on the west side 3 new hotels have just been  
6       completed; on the north side there is an existing  
7       hotel and a convention center; and on the east side  
8       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 generating  
14       use of the property without materially contributing  
15       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 facilitate the public's most beneficial use of public lands in a manner consistent with the purposes and objectives of the Agreement and the Southern Nevada Public Land Management Act of 1998.

23              (c) PERMITTED USES.—Notwithstanding section 4(g)(3) of the Southern Nevada Public Land Management 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.

