

109TH CONGRESS
1ST SESSION

S. 235

To direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

Mr. ENSIGN (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 direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

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 “Nevada National For-
5 est Land Disposal Act of 2005”.

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

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

8 (1) The United States owns, and the Forest
9 Service administers, land in small and large parcels
10 in Carson City and Douglas County, Nevada.

1 (2) Much of this Federal land is interspersed
2 with or adjacent to private land, which renders the
3 Federal land difficult, inefficient, and expensive for
4 the Forest Service to manage and more appropriate
5 for disposal.

6 (3) In order to promote responsible and orderly
7 development in Carson City and Douglas County,
8 Nevada, appropriate parcels of the Federal land
9 should be sold by the Federal Government based on
10 recommendations made by units of local government
11 and the public.

12 (b) PURPOSE.—The purpose of this Act is to provide
13 for the sale of certain parcels of Federal land in Carson
14 City and Douglas County, Nevada.

15 **SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS,**
16 **CARSON CITY AND DOUGLAS COUNTY, NE-**
17 **VADA.**

18 (a) DISPOSAL REQUIRED.—The Secretary of Agri-
19 culture (in this section referred to as the “Secretary” shall
20 sell any right, title, or interest of the United States in
21 and to the following parcels of National Forest System
22 lands in Carson City or Douglas County, Nevada:

23 (1) The parcel of land referred to as the “Car-
24 son Parcel”, consisting of approximately 3 acres,
25 and more particularly described as being a portion

1 of the southeast quarter, section 31, township 15
2 north, range 20 east, Mount Diablo Base and Merid-
3 ian.

4 (2) The parcel of land referred to as the “Jacks
5 Valley/Highway 395 Parcel”, consisting of approxi-
6 mately 28 acres, and more particularly described as
7 being a portion of the southeast quarter, section 6,
8 township 14 north, range 20 east, Mount Diablo
9 Base and Meridian.

10 (3) The parcel of land referred to as the “In-
11 dian Hills Parcel”, consisting of approximately 75
12 acres, and more particularly described as being a
13 portion of the southwest quarter, section 18, town-
14 ship 14 north, range 20 east, Mount Diablo Base
15 and Meridian.

16 (4) The parcel of land referred to as the
17 “Mountain House Area Parcel”, consisting of ap-
18 proximately 40 acres, and more particularly de-
19 scribed as being a portion of the northwest quarter
20 northeast quarter, section 12, township 10 north,
21 range 21 east, Mount Diablo Base and Meridian.

22 (5) The parcel of land referred to as the “Hol-
23 brook Junction Area Parcel”, consisting of approxi-
24 mately 80 acres, and more particularly described as
25 being a portion of the west half of the southwest

1 quarter, section 7, township 10 north, range 22 east,
2 Mount Diablo Base and Meridian.

3 (6) The two parcels of land referred to as the
4 “Topaz Lake Parcels”, consisting of approximately
5 5 acres (approximately 2.5 acres per parcel), and
6 more particularly described as being portions of the
7 northwest quarter, section 29, township 10 north,
8 range 22 east, Mount Diablo Base and Meridian.

9 (b) MODIFICATION OF DESCRIPTIONS.—The Sec-
10 retary may—

11 (1) correct typographical or clerical errors in
12 the descriptions of land specified in subsection (a);
13 and

14 (2) for the purposes of soliciting offers for the
15 sale of such land, modify the descriptions based
16 on—

17 (A) a survey; or

18 (B) a determination by the Secretary that
19 the modification is in the best interest of the
20 public.

21 (c) SELECTION AND SALE.—

22 (1) COORDINATION.—The Secretary shall co-
23 ordinate the sale of land under this section with the
24 unit of local government in which the land is located.

1 (2) EXISTING RIGHTS.—The sale of land under
2 this section shall be subject to all valid existing
3 rights, such as rights-of-way, in effect as of the date
4 of the sale.

5 (3) ZONING LAWS.—The sale of land under this
6 section shall be in accordance with local land use
7 planning and zoning laws and regulations.

8 (4) SOLICITATIONS OF OFFERS.—The Secretary
9 shall solicit offers for the sale of land under this sec-
10 tion, subject to any terms or conditions that the Sec-
11 retary may prescribe. The Secretary may reject any
12 offer made under this section if the Secretary deter-
13 mines that the offer is not adequate or not in the
14 public interest.

15 (5) METHOD OF SALE.—The Secretary may sell
16 the land described in subsection (a) at public auc-
17 tion.

18 (d) DISPOSITION OF PROCEEDS.—

19 (1) PAYMENTS AND DEPOSITS.—Of the gross
20 proceeds from any sale of land under this section,
21 the Secretary shall—

22 (A) pay five percent to the State of Ne-
23 vada for use for the general education program
24 of the State;

1 (B) pay five percent to the Carson Water
2 Subconservancy District in the State;

3 (C) deposit 25 percent in the fund estab-
4 lished under Public Law 90–171 (commonly
5 known as the “Sisk Act”; 16 U.S.C. 484a); and

6 (D) retain and use, without further appro-
7 priation, the remaining funds for the purpose of
8 expanding the Minden Interagency Dispatch
9 Center in Minden, Nevada, as provided in para-
10 graph (3).

11 (2) USE OF SISK ACT FUNDS.—The amounts
12 deposited under paragraph (1)(C) shall be available
13 to the Secretary until expended, without further ap-
14 propriation, for the following purposes:

15 (A) Reimbursement of costs incurred by
16 the local offices of the Forest Service in car-
17 rying out land sales under this section, not to
18 exceed 10 percent of the total proceeds of the
19 land sales.

20 (B) The development and maintenance of
21 parks, trails, and natural areas in Carson City
22 or Douglas County, Nevada, in accordance with
23 a cooperative agreement entered into with the
24 unit of local government in which the park,
25 trail, or natural area is located.

1 (3) MINDEN INTERAGENCY DISPATCH CEN-
2 TER.—The Minden Interagency Dispatch Center is
3 located on land made available by the State of Ne-
4 vada in Minden, Nevada, and will serve as a joint fa-
5 cility for the Forest Service and the Nevada Division
6 of Forestry for the purpose of fighting wildland
7 fires. The expansion of the center shall include living
8 quarters and office space for the Blackmountain
9 Hotshot Crew, a guard station for housing engines
10 and patrol vehicles, an air traffic control tower, a
11 training facility, and a warehouse.

12 (4) LIMITATION.—None of the amounts made
13 available to the Carson Water Subconservancy Dis-
14 trict under paragraph (1)(B) shall be used to pay
15 the costs of litigation.

16 (e) RELATION TO OTHER PROPERTY MANAGEMENT
17 LAWS.—The land described in subsection (a) shall not be
18 subject to chapter 5 of title 40, United States Code, as
19 codified by Public Law 107–217 (116 Stat. 1062).

20 (f) WITHDRAWAL.—Subject to valid existing rights,
21 all Federal land described in subsection (a) is withdrawn
22 from location, entry, and patent under the public land
23 laws, mining laws, and mineral leasing laws, including geo-
24 thermal leasing laws.

25 (g) REVOCATION OF PUBLIC LAND ORDERS.—

1 (1) IN GENERAL.—To facilitate the sale of par-
2 cels of land described in subsection (a), the Sec-
3 retary shall revoke any public land orders in exist-
4 ence on the date of the enactment of this Act that
5 withdraw the parcels from all forms of appropriation
6 under the public land laws, to the extent that the or-
7 ders apply to land described in such subsection (a).

8 (2) EFFECTIVE DATE.—A revocation under
9 paragraph (1) shall be effective on the date on which
10 the instrument conveying the parcels of land subject
11 to the public land order is executed.

12 (h) REPORT.—The Secretary shall submit to the
13 Committee on Agriculture and the Committee on Re-
14 sources of the House of Representatives and the Com-
15 mittee on Agriculture, Nutrition, and Forestry of the Sen-
16 ate an annual report on all land sales made under this
17 section.

○