

114TH CONGRESS
2D SESSION

S. 3102

To promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2016

Mr. HELLER (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 promote conservation, improve public land management, and provide for sensible development in Pershing County, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pershing County Economic Development and Conserva-
6 tion Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CHECKERBOARD LAND RESOLUTION

- Sec. 101. Findings.
- Sec. 102. Definitions.
- Sec. 103. Sale or exchange of eligible land.
- Sec. 104. Disposition of proceeds.

TITLE II—LAND CONVEYANCES AND TRANSFERS

- Sec. 201. Conveyances of covered land.
- Sec. 202. Conveyance of land for use as a public cemetery.

TITLE III—WILDERNESS AREAS

- Sec. 301. Additions to the National Wilderness Preservation System.
- Sec. 302. Administration.
- Sec. 303. Wildlife management.
- Sec. 304. Release of wilderness study areas.
- Sec. 305. Native American cultural and religious uses.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNTY.—The term “County” means Per-
4 shing County, Nevada.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (3) STATE.—The term “State” means the State
8 of Nevada.

9 (4) WILDERNESS AREA.—The term “wilderness
10 area” means a wilderness area designated by section
11 301(a).

12 **TITLE I—CHECKERBOARD LAND**
13 **RESOLUTION**

14 **SEC. 101. FINDINGS.**

15 Congress finds that—

16 (1) since the passage of the Act of July 1, 1862
17 (12 Stat. 489, chapter 120) (commonly known as

1 the “Pacific Railway Act of 1862”), under which
2 railroad land grants along the Union Pacific Rail-
3 road right-of-way created a checkerboard land pat-
4 tern of alternating public land and privately owned
5 land, management of the land in the checkerboard
6 area has been a constant source of frustration for
7 both private landholders and the Federal Govern-
8 ment;

9 (2) management of Federal land in the checker-
10 board area has been costly and difficult for the Fed-
11 eral land management agencies, creating a disincen-
12 tive to manage the land effectively;

13 (3) parcels of land within the checkerboard area
14 in the County will not vary significantly in appraised
15 value by acre due to the similarity of highest and
16 best use in the County; and

17 (4) consolidation of appropriate land within the
18 checkerboard area through sales and as acre-for-acre
19 exchanges for development and Federal management
20 will—

21 (A) help improve the tax base of the Coun-
22 ty; and

23 (B) simplify management for the Federal
24 Government.

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) **ELIGIBLE LAND.**—The term “eligible land”
4 means—

5 (A) any land administered by the Director
6 of the Bureau of Land Management that is
7 within the area identified on the Map as
8 “Checkerboard Lands Resolution Area” that is
9 designated for disposal by the Secretary
10 through—

11 (i) the Winnemucca Consolidated Re-
12 source Management Plan; or

13 (ii) any subsequent amendment or re-
14 vision to the management plan that is un-
15 dertaken with full public involvement; and

16 (B) the land identified on the Map as “Ad-
17 ditional Lands Eligible for Disposal”.

18 (2) **MAP.**—The term “Map” means the map en-
19 titled “Pershing County Checkerboard Lands Reso-
20 lution” and dated June 21, 2016.

21 **SEC. 103. SALE OR EXCHANGE OF ELIGIBLE LAND.**

22 (a) **AUTHORIZATION OF CONVEYANCE.**—Notwith-
23 standing sections 202 and 203 and subsections (b)
24 through (i) of section 206 of the Federal Land Policy and
25 Management Act of 1976 (43 U.S.C. 1712, 1713, and
26 1716), the Secretary, in cooperation with the County, in

1 accordance with this Act and any other applicable law, and
 2 subject to valid existing rights, shall conduct sales or ex-
 3 changes of the eligible land.

4 (b) JOINT SELECTION REQUIRED.—The Secretary
 5 and the County shall jointly select which parcels of eligible
 6 land to offer for sale or exchange under subsection (a).

7 (c) COMPLIANCE WITH LOCAL PLANNING AND ZON-
 8 ING LAWS.—Before carrying out a sale or exchange under
 9 subsection (a), the County shall submit to the Secretary
 10 a certification that qualified bidders have agreed to comply
 11 with—

12 (1) local zoning ordinances; and

13 (2) any master plan for the area approved by
 14 the County.

15 (d) METHOD OF SALE OR EXCHANGE.—

16 (1) IN GENERAL.—The sale or exchange of eli-
 17 gible land under subsection (a) shall be—

18 (A) consistent with subsections (b) and (f)
 19 of section 203 and section 206(a) of the Fed-
 20 eral Land Management Policy Act of 1976 (43
 21 U.S.C. 1713, 1716(a)); and

22 (B) conducted through—

23 (i) a sale, which shall be—

24 (I) through a competitive bidding
 25 process, under which adjoining land-

1 owners are offered the first option,
 2 unless otherwise determined by the
 3 Secretary;

4 (II) for not less than fair market
 5 value, based on an appraisal in ac-
 6 cordance with the Uniform Standards
 7 of Professional Appraisal Practice;
 8 and

9 (III) conducted in accordance
 10 with subsection (f); or

11 (ii) subject to paragraph (3), an acre-
 12 for-acre exchange for private land located
 13 within a Management Priority Area identi-
 14 fied under paragraph (4)(A).

15 (2) MASS APPRAISAL.—Not later than 1 year
 16 after the date of enactment of this Act, and every
 17 5 years thereafter, the Secretary shall—

18 (A) conduct a mass appraisal of the eligi-
 19 ble land to determine whether any parcel of eli-
 20 gible land is likely valued at equal to or greater
 21 than \$500 per acre (in 2016 constant dollars,
 22 as measured by the Consumer Price Index);
 23 and

1 (B) make available to the public the results
2 of the mass appraisal conducted under subpara-
3 graph (A).

4 (3) EXCLUSION.—

5 (A) IN GENERAL.—If the Secretary deter-
6 mines that a parcel of eligible land is likely val-
7 ued at equal to or greater than \$500 per acre
8 (in 2016 constant dollars, as measured by the
9 Consumer Price Index) under paragraph
10 (2)(A), the Secretary shall exclude that parcel
11 from the acre-for-acre exchange described in
12 paragraph (1)(B)(ii).

13 (B) PUBLICATION IN FEDERAL REG-
14 ISTER.—If a mass appraisal of eligible land
15 under paragraph (2)(A) is not finalized, or up-
16 to-date and publicly available, before an acre-
17 for-acre exchange described in paragraph
18 (1)(B)(ii) is completed, the Secretary may final-
19 ize the exchange if the Secretary publishes in
20 the Federal Register—

21 (i) a determination stating that the
22 one or more parcels of eligible land in-
23 cluded in the exchange are likely valued at
24 less than \$500 per acre (in 2016 constant

1 dollars, as measured by the Consumer
2 Price Index); and

3 (ii) a description of the methodology
4 used to arrive at that determination.

5 (4) MANAGEMENT PRIORITY AREAS.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), not later than 1 year after the date
8 of enactment of this Act, for the purpose of the
9 exchanges authorized under paragraph
10 (1)(B)(ii), the Secretary—

11 (i) shall identify Management Priority
12 Areas within the Checkerboard Lands Res-
13 olution Area, as identified on the Map,
14 that are considered by the Secretary to
15 be—

16 (I) greater sage-grouse habitat;

17 (II) part of an identified wildlife
18 corridor or designated critical habitat;

19 (III) of value for outdoor recre-
20 ation or public access for hunting,
21 fishing, and other recreational pur-
22 poses;

23 (IV) of significant cultural, his-
24 toric, ecological, or scenic value; or

1 (V) of value for improving Fed-
 2 eral land management; and

3 (ii) as appropriate, may identify addi-
 4 tional management priority areas in the
 5 County any time after the identification
 6 under clause (i) is completed.

7 (B) LIMITATION.—Management of Federal
 8 land within any Management Priority Area
 9 identified under subparagraph (A) shall not be
 10 changed based solely on that identification.

11 (e) WITHDRAWAL.—

12 (1) IN GENERAL.—Subject to valid existing
 13 rights, effective on the date on which a parcel of eli-
 14 gible land is selected for sale or exchange under sub-
 15 section (b), that parcel is withdrawn from—

16 (A) all forms of entry and appropriation
 17 under the public land laws, including the min-
 18 ing laws;

19 (B) location, entry, and patent under the
 20 mining laws; and

21 (C) operation of the mineral leasing and
 22 geothermal leasing laws.

23 (2) TERMINATION.—The withdrawal of a parcel
 24 of eligible land under paragraph (1) shall termi-
 25 nate—

1 (A) on the date of sale or, in the case of
2 exchange, the conveyance of title of the parcel
3 of eligible land under this title; or

4 (B) with respect to any parcel of eligible
5 land selected for sale or exchange under sub-
6 section (b) that is not sold or exchanged, not
7 later than 2 years after the date on which the
8 parcel was offered for sale or exchange under
9 this title.

10 (f) PARAMETERS FOR SALE OR EXCHANGE.—

11 (1) SALES.—

12 (A) DEADLINE.—Except as provided in
13 paragraph (3), not later than 1 year after the
14 date of enactment of this Act, and not less fre-
15 quently than once per year thereafter until the
16 date on which the limitation in subparagraph
17 (B) has been reached or the date on which the
18 County requests a postponement under para-
19 graph (3), the Secretary shall offer for sale the
20 parcels of eligible land jointly selected under
21 subsection (b).

22 (B) LIMITATION.—The total acreage of eli-
23 gible land sold under this title shall consist of
24 not more than 150,000 acres of eligible land.

1 (2) DEADLINE FOR EXCHANGES.—Except as
2 provided in paragraph (3), not later than 1 year
3 after the date on which the Management Priority
4 Areas are identified under subsection (d)(4)(A), and
5 not less frequently than once per year thereafter
6 until the date on which all of the parcels of eligible
7 land have been disposed of or the date on which the
8 County requests a postponement under paragraph
9 (3), the Secretary shall offer for exchange the par-
10 cels of eligible land jointly selected under subsection
11 (b).

12 (3) POSTPONEMENT; EXCLUSION FOR SALE OR
13 EXCHANGE.—

14 (A) REQUEST BY COUNTY FOR POSTPONE-
15 MENT OR EXCLUSION.—At the request of the
16 County, the Secretary shall postpone or exclude
17 from a sale or exchange all or a portion of the
18 eligible land jointly selected under subsection
19 (b).

20 (B) INDEFINITE POSTPONEMENT.—Unless
21 specifically requested by the County, a post-
22 ponement under subparagraph (A) shall not be
23 indefinite.

24 (C) POSTPONEMENT OR EXCLUSION BY
25 THE SECRETARY.—The Secretary may postpone

1 or exclude from a sale or exchange all or a por-
 2 tion of the eligible land jointly selected under
 3 subsection (b) for emergency ecological or safe-
 4 ty reasons.

5 **SEC. 104. DISPOSITION OF PROCEEDS.**

6 (a) DISPOSITION OF PROCEEDS.—Of the proceeds
 7 from the sale of land under section 103 or 201—

8 (1) 5 percent shall be disbursed to the State for
 9 use in the general education program of the State;

10 (2) 10 percent shall be disbursed to the County
 11 for use as determined through normal County budg-
 12 eting procedures; and

13 (3) the remainder shall be deposited in a special
 14 account in the Treasury of the United States, to be
 15 known as the “Pershing County Special Account”,
 16 which shall be available to the Secretary, in con-
 17 sultation with the County, for—

18 (A) the reimbursement of costs incurred by
 19 the Department of the Interior in preparing for
 20 the sale or exchange of the eligible land, includ-
 21 ing—

22 (i) the costs of surveys and appraisals;

23 and

24 (ii) the costs of compliance with the
 25 National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) and sec-
2 tions 202 and 203 of the Federal Land
3 Policy and Management Act of 1976 (43
4 U.S.C. 1712, 1713);

5 (B) the conduct of wildlife habitat con-
6 servation and restoration projects, including
7 projects that benefit the greater sage-grouse in
8 the County;

9 (C) a project or activity carried out in the
10 County to address drought conditions;

11 (D) the implementation of wildfire presup-
12 pression and restoration projects in the County;

13 (E) the acquisition of environmentally sen-
14 sitive land or interests in environmentally sen-
15 sitive land in the County;

16 (F) projects that secure public access to
17 Federal land for hunting, fishing, and other
18 recreational purposes through easements or
19 rights-of-way in the County; and

20 (G) the conduct of any surveys related to
21 the designation of the wilderness areas under
22 title III.

23 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any
24 amounts deposited in the special account established
25 under subsection (a)(3)—

1 (1) shall earn interest in an amount determined
 2 by the Secretary of the Treasury, based on the cur-
 3 rent average market yield on outstanding marketable
 4 obligations of the United States of comparable ma-
 5 turities; and

6 (2) may be expended by the Secretary in ac-
 7 cordance with this section.

8 (c) REPORTS.—

9 (1) IN GENERAL.—Beginning with fiscal year
 10 2018, and once every 5 fiscal years thereafter, not
 11 later than 60 days after the last day of preceding
 12 fiscal year, the Secretary shall submit to the State,
 13 the County, and the appropriate committees of Con-
 14 gress a report on the operation of the special ac-
 15 count established under subsection (a)(3) for the
 16 preceding 5 fiscal years.

17 (2) CONTENTS.—Each report submitted under
 18 paragraph (1) shall include, for the fiscal year cov-
 19 ered by the report—

20 (A) a statement of the amounts deposited
 21 into the special account;

22 (B) a description of the expenditures made
 23 from the special account for the fiscal year, in-
 24 cluding the purpose of the expenditures;

1 (C) recommendations for additional au-
 2 thorities to fulfill the purpose of the special ac-
 3 count; and

4 (D) a statement of the balance remaining
 5 in the special account at the end of the fiscal
 6 year.

7 **TITLE II—LAND CONVEYANCES** 8 **AND TRANSFERS**

9 **SEC. 201. CONVEYANCES OF COVERED LAND.**

10 (a) DEFINITIONS.—In this section:

11 (1) COVERED LAND.—The term “covered land”
 12 means any Federal land or interest in Federal land
 13 in the County identified on the Map as “Covered
 14 Land”.

15 (2) MAP.—The term “Map” means the map en-
 16 titled “Pershing County Land Conveyances and
 17 Transfers” and dated June 24, 2016.

18 (3) QUALIFIED ENTITY.—The term “qualified
 19 entity” means, with respect to a portion of covered
 20 land—

21 (A) the owner of the mining claims, mill-
 22 sites, or tunnel sites on a portion of the covered
 23 land on the date of enactment of this Act;

24 (B) the lessee, or other successor in inter-
 25 est of the owner—

1 (i) with the right of possession of the
2 mining claims, millsites, or tunnel sites on
3 the covered land;

4 (ii) that has paid (or whose agent has
5 paid) the annual claim maintenance fee or
6 filed a maintenance fee waiver on or before
7 September 1, 2016, with the authority or
8 consent of the owner, for the upcoming as-
9 sessment year for the mining claims, mill-
10 sites, or tunnel sites within the exterior
11 boundary of the portion of covered land, as
12 determined based on the claim mainte-
13 nance fee records of the Bureau of Land
14 Management as of the date of introduction
15 of this Act; and

16 (iii) that has the authority or consent
17 of the owner to acquire the portion of cov-
18 ered land; or

19 (C) a subsequent successor to the interest
20 of a qualified entity in the covered land that
21 has the authority or consent of the owner to ac-
22 quire the portion of covered land.

23 (b) LAND CONVEYANCES.—

24 (1) IN GENERAL.—Subject to paragraph (3),
25 notwithstanding the inventory and land use planning

1 requirements of sections 201 and 202 or the sales
2 provisions of section 203 of the Federal Land Policy
3 and Management Act of 1976 (43 U.S.C. 1711,
4 1712, 1713), not later than 180 days after the date
5 of enactment of this Act and subject to valid existing
6 rights held by third parties and any mining claims,
7 millsite, or tunnel site of a qualified entity applicable
8 to the covered land, the Secretary shall offer for sale
9 to qualified entities, for fair market value, the re-
10 maining right, title, and interest of the United
11 States in and to the covered land.

12 (2) CONVEYANCE.—Not later than 1 year after
13 the date of the acceptance of an offer under para-
14 graph (1) by a qualified entity and completion of a
15 sale for all or part of the covered land to a qualified
16 entity, the Secretary, by delivery of an appropriate
17 deed, patent, or other valid instrument of convey-
18 ance, shall convey to the qualified entity, all remain-
19 ing right, title, and interest of the United States in
20 and to the applicable portion of the covered land.

21 (3) MERGER.—Subject to valid existing rights
22 held by third parties, on delivery of the instrument
23 of conveyance to the qualified entity under para-
24 graph (2), any prior interests in the locatable min-
25 erals and the right to use the surface for mineral

1 purposes held by the qualified entity under a mining
 2 claim, millsite, tunnel site, or any other Federal land
 3 use authorization applicable to the covered land con-
 4 veyed to the qualified entity shall merge with all
 5 right, title, and interest conveyed to the qualified en-
 6 tity by the United States under this section to en-
 7 sure that the qualified entity receives fee simple title
 8 to the purchased covered land.

9 (4) APPRAISAL TO DETERMINE FAIR MARKET
 10 VALUE.—The Secretary shall determine the fair
 11 market value of the covered land to be conveyed
 12 under this subsection in accordance with—

13 (A) the Federal Land Policy and Manage-
 14 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

15 (B) the Uniform Standards of Professional
 16 Appraisal Practice.

17 (5) COSTS.—As a condition of the conveyance
 18 of the covered land under this section, the qualified
 19 entity shall pay all costs related to the conveyance
 20 of the covered land conveyed, including the costs of
 21 surveys and other administrative costs associated
 22 with the conveyance.

23 (6) AVAILABILITY OF MAP.—The Map shall be
 24 on file and available for public inspection in the ap-

1 appropriate offices of the Bureau of Land Manage-
2 ment.

3 (7) MINOR CORRECTIONS.—The Secretary, in
4 consultation with the County, may correct minor er-
5 rors in the Map or a description of the covered land.

6 (c) DISPOSITION OF PROCEEDS.—Any amounts col-
7 lected under this section shall be disposed of in accordance
8 with section 104.

9 (d) TERMINATION.—The authority of the Secretary
10 to sell covered land under this section shall terminate on
11 the date that is 10 years after the date of enactment of
12 this Act.

13 **SEC. 202. CONVEYANCE OF LAND FOR USE AS A PUBLIC**
14 **CEMETERY.**

15 (a) IN GENERAL.—The Secretary shall convey to the
16 County, without consideration, the Federal land described
17 in subsection (b).

18 (b) DESCRIPTION OF FEDERAL LAND.—The Federal
19 land referred to in subsection (a) is the approximately 10
20 acres of land depicted as “Unionville Cemetery” on the
21 Map entitled “Pershing County Land Conveyances and
22 Transfers” and dated June 24, 2016.

23 (c) USE OF CONVEYED LAND.—The Federal land
24 conveyed under subsection (a) shall be used by the County
25 as a public cemetery.

1 **TITLE III—WILDERNESS AREAS**

2 **SEC. 301. ADDITIONS TO THE NATIONAL WILDERNESS** 3 **PRESERVATION SYSTEM.**

4 (a) ADDITIONS.—In accordance with the Wilderness
 5 Act (16 U.S.C. 1131 et seq.), the following parcels of Fed-
 6 eral land in the State are designated as wilderness and
 7 as components of the National Wilderness Preservation
 8 System:

9 (1) CAIN MOUNTAIN WILDERNESS.—Certain
 10 Federal land managed by the Bureau of Land Man-
 11 agement, comprising approximately 12,339 acres, as
 12 generally depicted on the map entitled “Proposed
 13 Cain Mountain Wilderness” and dated June 17,
 14 2016, which shall be known as the “Cain Mountain
 15 Wilderness”.

16 (2) BLUEWING WILDERNESS.—Certain Federal
 17 land managed by the Bureau of Land Management,
 18 comprising approximately 24,900 acres, as generally
 19 depicted on the map entitled “Proposed Bluewing
 20 Wilderness” and dated June 17, 2016, which shall
 21 be known as the “Bluewing Wilderness”.

22 (3) SELENITE PEAK WILDERNESS.—Certain
 23 Federal land managed by the Bureau of Land Man-
 24 agement, comprising approximately 22,822 acres, as
 25 generally depicted on the map entitled “Proposed

1 Selenite Peak Wilderness” and dated June 17, 2016,
2 which shall be known as the “Selenite Peak Wilder-
3 ness”.

4 (4) MOUNT LIMBO WILDERNESS.—Certain Fed-
5 eral land managed by the Bureau of Land Manage-
6 ment, comprising approximately 11,855 acres, as
7 generally depicted on the map entitled “Proposed
8 Mt. Limbo Wilderness” and dated June 17, 2016,
9 which shall be known as the “Mount Limbo Wilder-
10 ness”.

11 (5) NORTH SAHWAVE WILDERNESS.—Certain
12 Federal land managed by the Bureau of Land Man-
13 agement, comprising approximately 13,875 acres, as
14 generally depicted on the map entitled “Proposed
15 North Sahwave Wilderness” and dated June 17,
16 2016, which shall be known as the “North Sahwave
17 Wilderness”.

18 (6) TOBIN CREST WILDERNESS.—Certain Fed-
19 eral land managed by the Bureau of Land Manage-
20 ment, comprising approximately 35,339 acres, as
21 generally depicted on the map entitled “Proposed
22 Tobin Crest Wilderness” and dated June 17, 2016,
23 which shall be known as the “Tobin Crest Wilder-
24 ness”.

1 (7) FENCEMAKER WILDERNESS.—Certain Fed-
2 eral land managed by the Bureau of Land Manage-
3 ment, comprising approximately 14,942 acres, as
4 generally depicted on the map entitled “Proposed
5 Fencemaker Wilderness” and dated June 17, 2016,
6 which shall be known as the “Fencemaker Wilder-
7 ness”.

8 (b) BOUNDARY.—The boundary of any portion of a
9 wilderness area that is bordered by a road shall be 100
10 feet from the centerline of the road.

11 (c) MAP AND LEGAL DESCRIPTION.—

12 (1) IN GENERAL.—As soon as practicable after
13 the date of enactment of this Act, the Secretary
14 shall file a map and legal description of each wilder-
15 ness area.

16 (2) EFFECT.—Each map and legal description
17 prepared under paragraph (1) shall have the same
18 force and effect as if included in this Act, except
19 that the Secretary may correct clerical and typo-
20 graphical errors in the map or legal description.

21 (3) AVAILABILITY.—Each map and legal de-
22 scription prepared under paragraph (1) shall be on
23 file and available for public inspection in the appro-
24 priate offices of the Bureau of Land Management.

1 (4) WITHDRAWAL.—Subject to valid existing
2 rights, the wilderness areas designated by subsection
3 (a) are withdrawn from—

4 (A) all forms of entry, appropriation, and
5 disposal under the public land laws;

6 (B) location, entry, and patent under the
7 mining laws; and

8 (C) disposition under all laws relating to
9 mineral and geothermal leasing or mineral ma-
10 terials.

11 **SEC. 302. ADMINISTRATION.**

12 (a) MANAGEMENT.—Subject to valid existing rights,
13 the wilderness areas shall be administered by the Sec-
14 retary in accordance with the Wilderness Act (16 U.S.C.
15 1131 et seq.), except that—

16 (1) any reference in that Act to the effective
17 date shall be considered to be a reference to the date
18 of enactment of this Act; and

19 (2) any reference in that Act to the Secretary
20 of Agriculture shall be considered to be a reference
21 to the Secretary.

22 (b) LIVESTOCK.—The grazing of livestock in the wil-
23 derness areas, if established before the date of enactment
24 of this Act, shall be allowed to continue, subject to such

1 reasonable regulations, policies, and practices as the Sec-
2 retary considers to be necessary in accordance with—

3 (1) section 4(d)(4) of the Wilderness Act (16
4 U.S.C. 1133(d)(4)); and

5 (2) the guidelines set forth in Appendix A of
6 the report of the Committee on Interior and Insular
7 Affairs of the House of Representatives accom-
8 panying H.R. 2570 of the 101st Congress (House
9 Report 101–405).

10 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
11 ESTS.—Any land or interest in land within the boundary
12 of a wilderness area that is acquired by the United States
13 after the date of enactment of this Act shall be added to
14 and administered as part of the wilderness area.

15 (d) ADJACENT MANAGEMENT.—

16 (1) IN GENERAL.—Congress does not intend for
17 the designation of the wilderness areas to create pro-
18 tective perimeters or buffer zones around the wilder-
19 ness areas.

20 (2) NONWILDERNESS ACTIVITIES.—The fact
21 that nonwilderness activities or uses can be seen or
22 heard from areas within a wilderness area shall not
23 preclude the conduct of those activities or uses out-
24 side the boundary of the wilderness area.

1 (e) MILITARY OVERFLIGHTS.—Nothing in this Act
2 restricts or precludes—

3 (1) low-level overflights of military aircraft over
4 the wilderness areas, including military overflights
5 that can be seen or heard within the wilderness
6 areas;

7 (2) flight testing and evaluation; or

8 (3) the designation or creation of new units of
9 special use airspace, or the establishment of military
10 flight training routes, over the wilderness areas.

11 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-
12 MENT.—In accordance with section 4(d)(1) of the Wilder-
13 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take
14 such measures in the wilderness areas as are necessary
15 for the control of fire, insects, and diseases (including, as
16 the Secretary determines to be appropriate, the coordina-
17 tion of the activities with a State or local agency).

18 (g) CLIMATOLOGICAL DATA COLLECTION.—In ac-
19 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
20 and subject to such terms and conditions as the Secretary
21 may prescribe, the Secretary may authorize the installa-
22 tion and maintenance of hydrologic, meteorologic, or cli-
23 matological data collection devices in the wilderness areas
24 if the Secretary determines that the facilities and access

1 to the facilities are essential to flood warning, flood con-
2 trol, or water reservoir operation activities.

3 (h) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the wilderness areas are located—

6 (i) in the semiarid region of the Great
7 Basin; and

8 (ii) at the headwaters of the streams
9 and rivers on land with respect to which
10 there are few, if any—

11 (I) actual or proposed water re-
12 source facilities located upstream; and

13 (II) opportunities for diversion,
14 storage, or other uses of water occur-
15 ring outside the land that would ad-
16 versely affect the wilderness values of
17 the land;

18 (B) the wilderness areas are generally not
19 suitable for use or development of new water re-
20 source facilities; and

21 (C) because of the unique nature of the
22 wilderness areas, it is possible to provide for
23 proper management and protection of the wil-
24 derness and other values of land in ways dif-
25 ferent from those used in other laws.

1 (2) PURPOSE.—The purpose of this section is
2 to protect the wilderness values of the wilderness
3 areas by means other than a federally reserved water
4 right.

5 (3) STATUTORY CONSTRUCTION.—Nothing in
6 this Act—

7 (A) constitutes an express or implied res-
8 ervation by the United States of any water or
9 water rights with respect to the wilderness
10 areas;

11 (B) affects any water rights in the State
12 (including any water rights held by the United
13 States) in existence on the date of enactment of
14 this Act;

15 (C) establishes a precedent with regard to
16 any future wilderness designations;

17 (D) affects the interpretation of, or any
18 designation made under, any other Act; or

19 (E) limits, alters, modifies, or amends any
20 interstate compact or equitable apportionment
21 decree that apportions water among and be-
22 tween the State and other States.

23 (4) NEVADA WATER LAW.—The Secretary shall
24 follow the procedural and substantive requirements
25 of State law in order to obtain and hold any water

1 rights not in existence on the date of enactment of
2 this Act with respect to the wilderness areas.

3 (5) NEW PROJECTS.—

4 (A) DEFINITION OF WATER RESOURCE FA-
5 CILITY.—

6 (i) IN GENERAL.—In this paragraph,
7 the term “water resource facility” means
8 irrigation and pumping facilities, res-
9 ervoirs, water conservation works, aque-
10 ducts, canals, ditches, pipelines, wells, hy-
11 dropower projects, transmission and other
12 ancillary facilities, and other water diver-
13 sion, storage, and carriage structures.

14 (ii) EXCLUSION.—In this paragraph,
15 the term “water resource facility” does not
16 include wildlife guzzlers.

17 (B) RESTRICTION ON NEW WATER RE-
18 SOURCE FACILITIES.—Except as otherwise pro-
19 vided in this Act, on and after the date of the
20 enactment of this Act, neither the President nor
21 any other officer, employee, or agent of the
22 United States shall fund, assist, authorize, or
23 issue a license or permit for the development of
24 any new water resource facility within the wil-
25 derness areas.

1 (i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

2 (1) IN GENERAL.—Nothing in this Act prevents
3 the placement of a temporary telecommunications
4 device for law enforcement or agency administrative
5 purposes in the Selenite Peak Wilderness in accord-
6 ance with paragraph (2).

7 (2) ADDITIONAL REQUIREMENTS.—Any tem-
8 porary telecommunications device authorized by the
9 Secretary under paragraph (1) shall—

10 (A) be carried out in accordance with—

11 (i) the Wilderness Act (16 U.S.C.
12 1131 et seq.); and

13 (ii) all other applicable laws (including
14 regulations);

15 (B) to the maximum practicable, be located
16 in such a manner as to minimize impacts on the
17 recreational and other wilderness values of the
18 area; and

19 (C) be for a period of not longer than 7
20 years.

21 **SEC. 303. WILDLIFE MANAGEMENT.**

22 (a) IN GENERAL.—In accordance with section
23 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
24 nothing in this Act affects or diminishes the jurisdiction
25 of the State with respect to fish and wildlife management,

1 including the regulation of hunting, fishing, and trapping,
2 in the wilderness areas.

3 (b) MANAGEMENT ACTIVITIES.—In furtherance of
4 the purposes and principles of the Wilderness Act (16
5 U.S.C. 1131 et seq.), the Secretary may conduct any man-
6 agement activities in the wilderness areas that are nec-
7 essary to maintain or restore fish and wildlife populations
8 and the habitats to support the populations, if the activi-
9 ties are carried out—

10 (1) consistent with relevant wilderness manage-
11 ment plans; and

12 (2) in accordance with—

13 (A) the Wilderness Act (16 U.S.C. 1131 et
14 seq.); and

15 (B) appropriate policies, such as those set
16 forth in Appendix B of the report of the Com-
17 mittee on Interior and Insular Affairs of the
18 House of Representatives accompanying H.R.
19 2570 of the 101st Congress (House Report
20 101–405), including noxious weed treatment
21 and the occasional and temporary use of motor-
22 ized vehicles if the use, as determined by the
23 Secretary, would promote healthy, viable, and
24 more naturally distributed wildlife populations
25 that would enhance wilderness values with the

1 minimal impact necessary to reasonably accom-
 2 plish those tasks.

3 (c) EXISTING ACTIVITIES.—Consistent with section
 4 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
 5 in accordance with appropriate policies such as those set
 6 forth in Appendix B of the Committee on Interior and In-
 7 sular Affairs of the House of Representatives accom-
 8 panying H.R. 2570 of the 101st Congress (House Report
 9 101–405), the State may continue to use aircraft, includ-
 10 ing helicopters, to survey, capture, transplant, monitor,
 11 and provide water for wildlife populations, specifically sage
 12 grouse, in the wilderness areas.

13 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—
 14 Subject to subsection (f), the Secretary shall authorize
 15 structures and facilities, including existing structures and
 16 facilities, for wildlife water development projects, including
 17 guzzlers, in the wilderness areas if—

18 (1) the structures and facilities will, as deter-
 19 mined by the Secretary, enhance wilderness values
 20 by promoting healthy, viable and more naturally dis-
 21 tributed wildlife populations; and

22 (2) the visual impacts of the structures and fa-
 23 cilities on the wilderness areas can reasonably be
 24 minimized.

25 (e) HUNTING, FISHING, AND TRAPPING.—

1 (1) IN GENERAL.—The Secretary may des-
2 ignate areas in which, and establish periods during
3 which, for reasons of public safety, administration,
4 or compliance with applicable laws, no hunting, fish-
5 ing, or trapping will be permitted in the wilderness
6 areas.

7 (2) CONSULTATION.—Except in emergencies,
8 the Secretary shall consult with the appropriate
9 State agency and notify the public before taking any
10 action under paragraph (1).

11 (f) COOPERATIVE AGREEMENT.—

12 (1) IN GENERAL.—The State, including a des-
13 ignee of the State, may conduct wildlife management
14 activities in the wilderness areas—

15 (A) in accordance with the terms and con-
16 ditions specified in the cooperative agreement
17 between the Secretary and the State entitled
18 “Memorandum of Understanding between the
19 Bureau of Land Management and the Nevada
20 Department of Wildlife Supplement No. 9” and
21 signed November and December 2003, includ-
22 ing any amendments to the cooperative agree-
23 ment agreed to by the Secretary and the State;
24 and

1 (B) subject to all applicable laws (including
2 regulations).

3 (2) REFERENCES; CLARK COUNTY.—For the
4 purposes of this subsection, any references to Clark
5 County in the cooperative agreement described in
6 paragraph (1)(A) shall be considered to be a ref-
7 erence to the wilderness areas.

8 **SEC. 304. RELEASE OF WILDERNESS STUDY AREAS.**

9 (a) FINDING.—Congress finds that, for the purposes
10 of section 603(c) of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately
12 48,600 acres of public land in the portions of the China
13 Mountain, Mt. Limbo, Selenite Mountains, and Tobin
14 Range wilderness study areas that have not been des-
15 ignated as wilderness by section 301(a) and the portion
16 of the Augusta Mountains wilderness study area within
17 the County that has not been designated as wilderness by
18 section 301(a) have been adequately studied for wilderness
19 designation.

20 (b) RELEASE.—The public land described in sub-
21 section (a)—

22 (1) is no longer subject to section 603(c) of the
23 Federal Land Policy and Management Act of 1976
24 (43 U.S.C. 1782(c)); and

1 (2) shall be managed in accordance with the ap-
2 plicable land use plans adopted under section 202 of
3 the Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1712).

5 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
6 **USES.**

7 (a) IN GENERAL.—Nothing in this title alters or di-
8 minishes the treaty rights of any Indian tribe (as defined
9 in section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 450b)).

11 (b) CULTURAL USES.—Nothing in this title precludes
12 the traditional collection of pine nuts in a wilderness area
13 for personal, noncommercial use consistent with the Wil-
14 derness Act (16 U.S.C. 1131 et seq.).

○