

114TH CONGRESS
1ST SESSION

S. 472

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

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, and provide for sensible development in Douglas 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 “Douglas County Conservation Act of 2015”.

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

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

TITLE I—LAND CONVEYANCES AND SALES

- Sec. 101. Conveyance to State of Nevada.
- Sec. 102. Concessionaires at Round Hill Pines Management Area and Zephyr Shoals Management Area.
- Sec. 103. Conveyance to Douglas County, Nevada.
- Sec. 104. Sale of certain Federal land.

TITLE II—TRIBAL CULTURAL RESOURCES

- Sec. 201. Transfer of land to be held in trust for Tribe.
- Sec. 202. Cooperative management agreement.

TITLE III—RESOLUTION OF BURBANK CANYONS WILDERNESS STUDY AREA

- Sec. 301. Addition to National Wilderness Preservation System.
- Sec. 302. Administration.
- Sec. 303. Fish and wildlife management.
- Sec. 304. Release of wilderness study area.
- Sec. 305. Native American cultural and religious uses.

TITLE IV—TRANSFER OF ADMINISTRATIVE JURISDICTION OVER FOREST SERVICE LAND

- Sec. 401. Authority of Forest Service to transfer administrative jurisdiction to State or County for public purposes.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) MAP.—The term “Map” means the map en-
6 titled “Proposed Douglas County Land Convey-
7 ances” and dated January 27, 2015.

8 (3) PUBLIC LAND.—The term “public land”
9 has the meaning given the term “public lands” in
10 section 103 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1702).

12 (4) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

1 (A) with respect to National Forest Sys-
 2 tem land, the Secretary of Agriculture (acting
 3 through the Chief of the Forest Service); and

4 (B) with respect to land managed by the
 5 Bureau of Land Management, including land
 6 held for the benefit of the Tribe, the Secretary
 7 of the Interior.

8 (5) STATE.—The term “State” means the State
 9 of Nevada.

10 (6) TRIBE.—The term “Tribe” means the
 11 Washoe Tribe of Nevada and California.

12 (7) WILDERNESS.—The term “Wilderness”
 13 means the Burbank Canyons Wilderness designated
 14 by section 301(a).

15 **TITLE I—LAND CONVEYANCES** 16 **AND SALES**

17 **SEC. 101. CONVEYANCE TO STATE OF NEVADA.**

18 (a) CONVEYANCE.—Subject to valid existing rights
 19 and notwithstanding the land use planning requirements
 20 of section 202 of the Federal Land Policy and Manage-
 21 ment Act of 1976 (43 U.S.C. 1712), the Secretary con-
 22 cerned shall convey to the State without consideration all
 23 right, title, and interest of the United States in and to
 24 the land described in subsection (b).

1 (b) DESCRIPTION OF LAND.—The land referred to in
2 subsection (a) is the approximately 67 acres of Forest
3 Service land generally depicted as “Lake Tahoe-Nevada
4 State Park” on the Map.

5 (c) COSTS.—Any costs relating to the conveyance
6 under subsection (a), including costs for surveys and other
7 administrative costs, shall be paid by the State.

8 (d) USE OF LAND.—

9 (1) IN GENERAL.—Any land conveyed to the
10 State under subsection (a) shall be used only for—

11 (A) the conservation of wildlife or natural
12 resources; or

13 (B) a public park.

14 (2) FACILITIES.—Any facility on the land con-
15 veyed under subsection (a) shall be constructed and
16 managed in a manner consistent with the uses de-
17 scribed in paragraph (1).

18 (e) REVERSION.—If any portion of the land conveyed
19 under subsection (a) is used in a manner that is incon-
20 sistent with the uses described in subsection (d), the land
21 shall, at the discretion of the Secretary concerned, revert
22 to the United States.

1 **SEC. 102. CONCESSIONAIRES AT ROUND HILL PINES MAN-**
2 **AGEMENT AREA AND ZEPHYR SHOALS MAN-**
3 **AGEMENT AREA.**

4 (a) PROSPECTUS.—Subject to subsection (b), not
5 later than 60 days after the date of enactment of this Act,
6 the Secretary of Agriculture shall make publicly available
7 a prospectus to solicit 1 or more concessionaires for—

8 (1) the approximately 125 acres of land gen-
9 erally depicted as “Round Hill Pines Resort” on the
10 Map; and

11 (2) the approximately 448 acres of land gen-
12 erally depicted as “Zephyr Shoals” on the Map.

13 (b) EXCLUSIONS.—

14 (1) SPECIAL USE PERMITS.—This section shall
15 not apply to any land or portion of land described
16 in subsection (a) for which a concessionaire has a
17 contract to operate under a special use permit issued
18 before the date of enactment of this Act.

19 (2) PRIOR PROSPECTUSES.—This section shall
20 not apply to any land or portion of land described
21 in subsection (a) for which the Secretary of Agri-
22 culture has made publicly available before the date
23 of enactment of this Act a prospectus for the land
24 or portion of the land.

1 (c) CONSULTATION.—In carrying out this section, the
 2 Secretary of Agriculture shall consult with the State,
 3 County, Tribe, and other interested parties—

4 (1) to satisfy any requirement under section
 5 102 of the National Environmental Policy Act of
 6 1969 (42 U.S.C. 4332); and

7 (2) to prepare for the orderly and smooth tran-
 8 sition of the operation of the land described in sub-
 9 section (a) to 1 or more concessionaires.

10 (d) TREATMENT OF PROCEEDS.—Any fees received
 11 under a concession contract under this section shall re-
 12 main available to the Forest Service, until expended, with-
 13 out further appropriations, for use within the Lake Tahoe
 14 Basin Management Unit under the authorities provided
 15 by section 2(d) of Public Law 96–586 (94 Stat. 3382)
 16 (commonly known as the “Santini-Burton Act”).

17 (e) TRANSFER OF ADMINISTRATIVE JURISDIC-
 18 TION.—

19 (1) IN GENERAL.—If the Secretary of Agri-
 20 culture has not entered into a concession contract
 21 for the land described in subsection (a) by the date
 22 that is 2 years after the date on which the pro-
 23 spectus is published under that subsection, con-
 24 sistent with section 3(a) of Public Law 96–586 (94
 25 Stat. 3383) (commonly known as the “Santini-Bur-

ton Act”), the Secretary of Agriculture shall transfer to the County, without consideration, administrative jurisdiction over the land for a period of 99 years.

(2) EXCEPTION.—If the Secretary of Agriculture has taken steps to enter into a concession contract for the land described in subsection (a), including substantial completion of any requirement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), the transfer of administrative jurisdiction under paragraph (1) shall not take place unless the Secretary of Agriculture has not entered into a concession contract by the date that is 30 months after the date on which the prospectus is published under subsection (a).

(3) COSTS.—Any costs relating to a transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the County.

(4) USE OF LAND.—Any land transferred to the County under paragraph (1) shall—

(A) be managed by the County—

(i) to maintain undeveloped open space;

(ii) to preserve the natural characteristics of the land in perpetuity; and

1 (iii) to protect and enhance water
 2 quality, stream environment zones, and im-
 3 portant wildlife habitat; and

4 (B) be used for public purposes consistent
 5 with the Act of June 14, 1926 (commonly
 6 known as the “Recreation and Public Purposes
 7 Act”) (43 U.S.C. 869 et seq.).

8 (5) REVERSION.—If any land or portion of land
 9 transferred under this section is used in a manner
 10 that is inconsistent with this section, the land shall,
 11 at the discretion of the Secretary of Agriculture, re-
 12 vert to the United States.

13 **SEC. 103. CONVEYANCE TO DOUGLAS COUNTY, NEVADA.**

14 (a) DEFINITION OF FEDERAL LAND.—In this sec-
 15 tion, the term “Federal land” means the approximately
 16 7,990 acres of Federal land located in the County that
 17 is identified as “Douglas County Conveyances” on the
 18 Map.

19 (b) AUTHORIZATION OF CONVEYANCE.—Subject to
 20 valid existing rights and notwithstanding the land use
 21 planning requirements of section 202 of the Federal Land
 22 Policy and Management Act of 1976 (43 U.S.C. 1712),
 23 not later than 180 days after the date on which the Sec-
 24 retary concerned receives a request from the County for
 25 the conveyance of the Federal land, the Secretary con-

1 cerned shall convey to the County, without consideration,
 2 all right, title, and interest of the United States in and
 3 to the Federal land.

4 (c) COSTS.—Any costs relating to the conveyance au-
 5 thorized under subsection (b), including any costs for sur-
 6 veys and other administrative costs, shall be paid by the
 7 County.

8 (d) USE OF FEDERAL LAND.—

9 (1) IN GENERAL.—The Federal land conveyed
 10 under subsection (b)—

11 (A) may be used by the County for flood
 12 control or any other public purpose consistent
 13 with the Act of June 14, 1926 (commonly
 14 known as the “Recreation and Public Purposes
 15 Act”) (43 U.S.C. 869 et seq.); and

16 (B) shall not be disposed of by the County.

17 (2) REVERSION.—If the Federal land conveyed
 18 under subsection (b) is used in a manner incon-
 19 sistent with paragraph (1), the Federal land shall, at
 20 the discretion of the Secretary concerned, revert to
 21 the United States.

22 (e) ACQUISITION OF FEDERAL REVERSIONARY IN-
 23 TEREST.—

24 (1) REQUEST.—After the date of conveyance of
 25 Federal land under subsection (b) that is obtained

1 for public purposes in accordance with the Act of
 2 June 14, 1926 (commonly known as the “Recreation
 3 and Public Purposes Act”) (43 U.S.C. 869 et seq.),
 4 the County may submit to the Secretary concerned
 5 a request to acquire the Federal reversionary inter-
 6 est in all or any portion of the Federal land.

7 (2) APPRAISAL.—

8 (A) IN GENERAL.—Not later than 180
 9 days after the date of receipt of a request under
 10 paragraph (1), the Secretary concerned shall
 11 complete an appraisal of the Federal rever-
 12 sionary interest in the Federal land requested
 13 by the County.

14 (B) REQUIREMENT.—The appraisal under
 15 subparagraph (A) shall be completed in accord-
 16 ance with—

17 (i) the Uniform Appraisal Standards
 18 for Federal Land Acquisitions; and

19 (ii) the Uniform Standards of Profes-
 20 sional Appraisal Practice.

21 (3) CONVEYANCE REQUIRED.—

22 (A) IN GENERAL.—If, by the date that is
 23 1 year after the date of completion of the ap-
 24 praisal under paragraph (2), the County sub-
 25 mits to the Secretary concerned an offer to ac-

1 quire the Federal reversionary interest re-
2 quested under paragraph (1), the Secretary
3 concerned, by not later than the date that is 30
4 days after the date on which the offer is sub-
5 mitted, shall convey to the County that rever-
6 sionary interest.

7 (B) CONSIDERATION.—As consideration
8 for the conveyance of the Federal reversionary
9 interest under subparagraph (A), the County
10 shall pay to the Secretary concerned an amount
11 equal to the appraised value of the Federal re-
12 versionary interest, as determined under para-
13 graph (2).

14 (C) COSTS OF CONVEYANCE.—Any costs
15 relating to the conveyance under subparagraph
16 (A), including any costs for surveys and other
17 administrative costs, shall be paid by the Sec-
18 retary concerned.

19 (4) DISPOSITION OF PROCEEDS.—Any amounts
20 collected under this subsection shall be disposed of
21 in accordance with section 104(i).

22 **SEC. 104. SALE OF CERTAIN FEDERAL LAND.**

23 (a) IN GENERAL.—Notwithstanding sections 202 and
24 203 of the Federal Land Policy and Management Act of
25 1976 (43 U.S.C. 1712, 1713), the Secretary concerned

1 shall, in accordance with the other provisions of that Act
 2 and any other applicable law, and subject to valid existing
 3 rights, conduct 1 or more sales of the Federal land de-
 4 scribed in subsection (b) to qualified bidders.

5 (b) DESCRIPTION OF LAND.—The Federal land re-
 6 ferred to in subsection (a) consists of—

7 (1) the approximately 616 acres of public land
 8 generally depicted as “Lands for Disposal” on the
 9 Map; and

10 (2) not more than 10,000 acres of land in the
 11 County that—

12 (A) is not segregated or withdrawn on or
 13 after the date of enactment of this Act, unless
 14 the land is withdrawn in accordance with sub-
 15 section (g); and

16 (B) is identified for disposal by the Sec-
 17 retary concerned through—

18 (i) the Carson City Consolidated Re-
 19 source Management Plan; or

20 (ii) any subsequent amendment to the
 21 management plan that is undertaken with
 22 full public involvement.

23 (c) JOINT SELECTION REQUIRED.—The Secretary
 24 concerned and the County shall jointly select which parcels

1 of the Federal land described in subsection (b)(2) to offer
2 for sale under subsection (a).

3 (d) COMPLIANCE WITH LOCAL PLANNING AND ZON-
4 ING LAWS.—Before carrying out a sale of Federal land
5 under subsection (a), the County shall submit to the Sec-
6 retary concerned a certification that qualified bidders have
7 agreed to comply with—

8 (1) County zoning ordinances; and

9 (2) any master plan for the area approved by
10 the County.

11 (e) METHOD OF SALE; CONSIDERATION.—The sale
12 of Federal land under subsection (a) shall be—

13 (1) through a competitive bidding process, un-
14 less otherwise determined by the Secretary con-
15 cerned; and

16 (2) for not less than fair market value.

17 (f) RECREATION AND PUBLIC PURPOSES ACT CON-
18 VEYANCES.—

19 (1) IN GENERAL.—Not later than 30 days be-
20 fore any land described in subsection (b) is offered
21 for sale under subsection (a), the State or County
22 may elect to obtain the land for public purposes in
23 accordance with the Act of June 14, 1926 (com-
24 monly known as the “Recreation and Public Pur-
25 poses Act”) (43 U.S.C. 869 et seq.).

1 (2) RETENTION.—Pursuant to an election made
 2 under paragraph (1), the Secretary concerned shall
 3 retain the elected land for conveyance to the State
 4 or County in accordance with the Act of June 14,
 5 1926 (commonly known as the “Recreation and
 6 Public Purposes Act”) (43 U.S.C. 869 et seq.).

7 (g) WITHDRAWAL.—

8 (1) IN GENERAL.—Subject to valid existing
 9 rights and except as provided in paragraph (2), the
 10 Federal land described in subsection (b) is with-
 11 drawn from—

12 (A) all forms of entry, appropriation, or
 13 disposal under the public land laws;

14 (B) location, entry, and patent under the
 15 mining laws; and

16 (C) disposition under all laws relating to
 17 mineral and geothermal leasing or mineral ma-
 18 terials.

19 (2) EXCEPTION.—Paragraph (1)(A) shall not
 20 apply to a sale made consistent with this section or
 21 an election by the County or the State to obtain the
 22 land described in subsection (b) for public purposes
 23 under the Act of June 14, 1926 (commonly known
 24 as the “Recreation and Public Purposes Act”) (43
 25 U.S.C. 869 et seq.).

1 (h) DEADLINE FOR SALE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), not later than 1 year after the date of en-
4 actment of this Act, if there is a qualified bidder for
5 the land described in subsection (b), the Secretary
6 concerned shall offer the land for sale to the quali-
7 fied bidder.

8 (2) POSTPONEMENT; EXCLUSION FROM SALE.—

9 At the request of the County, the Secretary con-
10 cerned may temporarily postpone or exclude from
11 the sale under paragraph (1) all or a portion of the
12 land described in subsection (b).

13 (i) DISPOSITION OF PROCEEDS.—Of the proceeds
14 from the sale of land under this section—

15 (1) 5 percent shall be disbursed to the State for
16 use by the State for general education programs of
17 the State;

18 (2) 10 percent shall be disbursed to the County
19 for use by the County to implement the County
20 Open Space and Agricultural Implementation Plan;
21 and

22 (3) 85 percent shall be deposited in a special
23 account in the Treasury of the United States, to be
24 known as the “Douglas County Special Account”,

1 which shall be available to the Secretary concerned
2 until expended, without further appropriation—

3 (A) to reimburse costs incurred by the Sec-
4 retary concerned in preparing for the sale of
5 the land described in subsection (b), includ-
6 ing—

7 (i) the costs of surveys and appraisals;

8 and

9 (ii) the costs of compliance with the
10 National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) and sec-
12 tions 202 and 203 of the Federal Land
13 Policy and Management Act of 1976 (43
14 U.S.C. 1712, 1713);

15 (B) to reimburse costs incurred by the Bu-
16 reau of Land Management and the Forest Serv-
17 ice in preparing for and carrying out the trans-
18 fers of land to be held in trust by the United
19 States under title II; and

20 (C) to acquire environmentally sensitive
21 land or an interest in environmentally sensitive
22 land in the County, pursuant to the Douglas
23 County Open Space and Agricultural Lands
24 Preservation Implementation Plan or any sub-

1 sequent amendment to the plan that is under-
 2 taken with full public involvement.

3 (j) AVAILABILITY OF FUNDS.—Section 4(e) of the
 4 Southern Nevada Public Land Management Act of 1998
 5 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;
 6 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045; 123
 7 Stat. 1114) is amended—

8 (1) in paragraph (3)(A)—

9 (A) in clause (iv), by striking “Clark, Lin-
 10 coln, and White Pine Counties and Washoe
 11 County (subject to paragraph 4)) and Carson
 12 City (subject to paragraph (5))” and inserting
 13 “Clark, Lincoln, and White Pine Counties,
 14 Washoe County (subject to paragraph (4)),
 15 Carson City subject to paragraph (5)), and
 16 Douglas County (subject to paragraph (6))”;
 17 and

18 (B) in clause (v), by striking “Clark, Lin-
 19 coln, and White Pine Counties and Carson City
 20 (subject to paragraph (5))” and inserting
 21 “Clark, Lincoln, and White Pine Counties,
 22 Washoe County (subject to paragraph (4)),
 23 Carson City (subject to paragraph (5)), and
 24 Douglas County (subject to paragraph (6))”;
 25 and

1 (2) by adding at the end the following:

2 “(6) LIMITATION FOR DOUGLAS COUNTY.—

3 Douglas County shall be eligible to nominate for ex-
4 penditure amounts to acquire land or an interest in
5 land for parks, trails, or natural areas and for con-
6 servation initiatives—

7 “(A) within the Carson River watershed;

8 “(B) within the Walker River watershed;

9 or

10 “(C) for the conservation of sage grouse
11 habitat.”.

12 **TITLE II—TRIBAL CULTURAL** 13 **RESOURCES**

14 **SEC. 201. TRANSFER OF LAND TO BE HELD IN TRUST FOR** 15 **TRIBE.**

16 (a) IN GENERAL.—Subject to valid existing rights,
17 all right, title, and interest of the United States in and
18 to the land described in subsection (b)—

19 (1) shall be held in trust by the United States
20 for the benefit of the Tribe; and

21 (2) shall be part of the reservation of the Tribe.

22 (b) DESCRIPTION OF LAND.—The land referred to in
23 subsection (a) consists of the approximately 1,016 acres
24 of Federal land generally depicted as “Washoe Tribe Con-
25 veyances” on the Map.

1 (c) SURVEY.—Not later than 180 days after the date
 2 of enactment of this Act, the Secretary concerned shall
 3 complete a survey of the boundary lines to establish the
 4 boundaries of the land taken into trust under subsection
 5 (a).

6 (d) USE OF TRUST LAND.—

7 (1) GAMING.—Land taken into trust under this
 8 section shall not be eligible, or considered to have
 9 been taken into trust, for class II gaming or class
 10 III gaming (as defined in section 4 of the Indian
 11 Gaming Regulatory Act (25 U.S.C. 2703)).

12 (2) THINNING; LANDSCAPE RESTORATION.—

13 (A) IN GENERAL.—The Secretary con-
 14 cerned, in consultation and coordination with
 15 the Tribe, may carry out any fuel reduction and
 16 other landscape restoration activities on the
 17 land taken into trust under subsection (a) (in-
 18 cluding land that includes threatened and en-
 19 dangered species habitat), that are beneficial
 20 to—

21 (i) the Tribe; and

22 (ii)(I) the Bureau of Land Manage-
 23 ment; or

24 (II) the Forest Service.

(B) CONSERVATION BENEFITS.—Activities carried out under subparagraph (A) include activities that provide conservation benefits to a species—

(i) that is not listed as endangered or threatened under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)); but

(ii) is—

(I) listed by a State as a threatened or endangered species;

(II) a species of concern; or

(III) a candidate for a listing as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 202. COOPERATIVE MANAGEMENT AGREEMENT.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Tribe and County, shall develop and implement a cooperative management agreement for the land described in subsection (b)—

(1) to preserve cultural resources;

(2) to ensure regular access by members of the Tribe and the community across National Forest System land for cultural and religious purposes; and

1 (3) to protect recreational uses.

2 (b) DESCRIPTION OF LAND.—The land referred to in
3 subsection (a) consists of the approximately 1,811 acres
4 of land generally depicted as “Cooperative Management
5 Area” on the Map.

6 **TITLE III—RESOLUTION OF BUR-**
7 **BANK CANYONS WILDERNESS**
8 **STUDY AREA**

9 **SEC. 301. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
10 **TION SYSTEM.**

11 (a) DESIGNATION.—In furtherance of the purposes of
12 the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-
13 mately 12,330 acres of Federal land managed by the Bu-
14 reau of Land Management, as generally depicted on the
15 map entitled “Proposed Burbank Canyons Wilderness”
16 and dated January 29, 2015, is designated as wilderness
17 and as a component of the National Wilderness Preserva-
18 tion System, to be known as the “Burbank Canyons Wil-
19 derness”.

20 (b) BOUNDARY.—The boundary of any portion of the
21 Wilderness that is bordered by a road shall be at least
22 100 feet from the edge of the road to allow public access.

23 (c) MAP AND LEGAL DESCRIPTION.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this Act, the Secretary con-

cerned shall prepare a map and legal description of the Wilderness.

(2) EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary concerned may correct any minor error in the map or legal description.

(3) AVAILABILITY.—A copy of the map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

SEC. 302. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary concerned in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

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

4 (2) any reference in that Act to the Secretary
5 of Agriculture shall be considered to be a reference
6 to the Secretary of the Interior.

7 (b) LIVESTOCK.—The grazing of livestock in the Wil-
8 derness, if established before the date of enactment of this
9 Act, shall be allowed to continue, subject to such reason-
10 able regulations, policies, and practices as the Secretary
11 concerned considers to be necessary in accordance with—

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

14 (2) the guidelines set forth in Appendix A of
15 the report of the Committee on Interior and Insular
16 Affairs of the House of Representatives accom-
17 panying H.R. 2570 of the 101st Congress (House
18 Report 101–405).

19 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
20 ESTS.—Any land or interest in land within the boundaries
21 of the Wilderness that is acquired by the United States
22 after the date of enactment of this Act shall be added to
23 and administered as part of the Wilderness.

24 (d) ADJACENT MANAGEMENT.—

1 (1) IN GENERAL.—Congress does not intend for
2 the designation of the Wilderness to create a protec-
3 tive perimeter or buffer zone around the Wilderness.

4 (2) NONWILDERNESS ACTIVITIES.—The fact
5 that nonwilderness activities or uses can be seen or
6 heard from areas within the Wilderness shall not
7 preclude the conduct of the activities or uses outside
8 the boundary of the Wilderness.

9 (e) MILITARY OVERFLIGHTS.—Nothing in this Act
10 restricts or precludes—

11 (1) low-level overflights of military aircraft over
12 the Wilderness, including military overflights that
13 can be seen or heard within the wilderness area;

14 (2) flight testing and evaluation; or

15 (3) the designation or creation of new units of
16 special use airspace, or the establishment of military
17 flight training routes, over the Wilderness.

18 (f) EXISTING AIRSTRIPS.—Nothing in this Act re-
19 stricts or precludes low-level overflights by aircraft uti-
20 lizing airstrips in existence on the date of enactment of
21 this Act that are located within 5 miles of the proposed
22 boundary of the Wilderness.

23 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
24 MENT.—In accordance with section 4(d)(1) of the Wilder-
25 ness Act (16 U.S.C. 1133(d)(1)), the Secretary concerned

1 may take any measures in the Wilderness that the Sec-
 2 retary concerned determines to be necessary for the con-
 3 trol of fire, insects, and diseases, including, as the Sec-
 4 retary concerned determines to be appropriate, the coordi-
 5 nation of the activities with the State or a local agency.

6 (h) DATA COLLECTION.—In accordance with the Wil-
 7 derness Act (16 U.S.C. 1131 et seq.) and subject to such
 8 terms and conditions as the Secretary concerned may pre-
 9 scribe, the Secretary concerned may authorize the installa-
 10 tion and maintenance of hydrologic, meteorologic, or cli-
 11 matological collection devices in the Wilderness if the Sec-
 12 retary concerned determines that the facilities and access
 13 to the facilities are essential to flood warning, flood con-
 14 trol, or water reservoir operation activities.

15 (i) WATER RIGHTS.—

16 (1) FINDINGS.—Congress finds that—

17 (A) the Wilderness is located—

18 (i) in the semiarid region of the Great
 19 Basin; and

20 (ii) at the headwaters of the streams
 21 and rivers on land with respect to which
 22 there are few, if any—

23 (I) actual or proposed water re-
 24 source facilities located upstream; and

1 (II) opportunities for diversion,
2 storage, or other uses of water occur-
3 ring outside the land that would ad-
4 versely affect the wilderness values of
5 the land;

6 (B) the Wilderness is generally not suitable
7 for use or development of new water resource
8 facilities; and

9 (C) because of the unique nature of the
10 Wilderness, it is possible to provide for proper
11 management and protection of the wilderness
12 and other values of land by means different
13 from the means used in other laws.

14 (2) PURPOSE.—The purpose of this section is
15 to protect the wilderness values of the Wilderness by
16 means other than a federally reserved water right.

17 (3) STATUTORY CONSTRUCTION.—Nothing in
18 this Act—

19 (A) constitutes an express or implied res-
20 ervation by the United States of any water or
21 water rights with respect to the Wilderness;

22 (B) affects any water rights in the State
23 (including any water rights held by the United
24 States) in existence on the date of enactment of
25 this Act;

1 (C) establishes a precedent with regard to
2 any future wilderness designations;

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

5 (E) limits, alters, modifies, or amends any
6 interstate compact or equitable apportionment
7 decree that apportions water among and be-
8 tween the State and other States.

9 (4) NEVADA WATER LAW.—The Secretary con-
10 cerned shall follow the procedural and substantive
11 requirements of State law in order to obtain and
12 hold any water rights not in existence on the date
13 of enactment of this Act with respect to the Wilder-
14 ness.

15 (5) NEW PROJECTS.—

16 (A) DEFINITION OF WATER RESOURCE FA-
17 CILITY.—

18 (i) IN GENERAL.—In this paragraph,
19 the term “water resource facility” means
20 irrigation and pumping facilities, res-
21 ervoirs, water conservation works, aque-
22 ducts, canals, ditches, pipelines, wells, hy-
23 dropower projects, transmission and other
24 ancillary facilities, and other water diver-
25 sion, storage, and carriage structures.

1 (ii) EXCLUSION.—In this paragraph,
 2 the term “water resource facility” does not
 3 include wildlife guzzlers.

4 (B) RESTRICTION ON NEW WATER RE-
 5 SOURCE FACILITIES.—Except as otherwise pro-
 6 vided in this Act, on or after the date of enact-
 7 ment of this Act, neither the President nor any
 8 other officer, employee, or agent of the United
 9 States shall fund, assist, authorize, or issue a
 10 license or permit for the development of any
 11 new water resource facility within any wilder-
 12 ness area, including a portion of a wilderness
 13 area, that is located in the County.

14 **SEC. 303. FISH AND WILDLIFE MANAGEMENT.**

15 (a) IN GENERAL.—In accordance with section
 16 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
 17 nothing in this Act affects or diminishes the jurisdiction
 18 of the State with respect to fish and wildlife management,
 19 including the regulation of hunting, fishing, and trapping,
 20 in the Wilderness.

21 (b) MANAGEMENT ACTIVITIES.—In furtherance of
 22 the purposes and principles of the Wilderness Act (16
 23 U.S.C. 1131 et seq.), the Secretary concerned may con-
 24 duct any management activities in the Wilderness that are
 25 necessary to maintain or restore fish and wildlife popu-

1 lations and the habitats to support the populations, if the
 2 activities are carried out—

3 (1) in a manner that is consistent with relevant
 4 wilderness management plans; and

5 (2) in accordance with—

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

8 (B) appropriate policies, such as those set
 9 forth in Appendix B of the report of the Com-
 10 mittee on Interior and Insular Affairs of the
 11 House of Representatives accompanying H.R.
 12 2570 of the 101st Congress (House Report
 13 101–405), including the occasional and tem-
 14 porary use of motorized vehicles and aircraft if
 15 the use, as determined by the Secretary con-
 16 cerned, would promote healthy, viable, and
 17 more naturally distributed wildlife populations
 18 that would enhance wilderness values with the
 19 minimal impact necessary to reasonably accom-
 20 plish those tasks.

21 (c) EXISTING ACTIVITIES.—Consistent with section
 22 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
 23 in accordance with appropriate policies such as those set
 24 forth in Appendix B of the report of the Committee on
 25 Interior and Insular Affairs of the House of Representa-

1 tives accompanying H.R. 2570 of the 101st Congress
 2 (House Report 101–405), the State may continue to use
 3 aircraft, including helicopters, to survey, capture, trans-
 4 plant, monitor, and provide water for wildlife populations
 5 in the Wilderness.

6 (d) HUNTING, FISHING, AND TRAPPING.—

7 (1) IN GENERAL.—The Secretary concerned
 8 may designate areas in which, and establish periods
 9 during which, for reasons of public safety, adminis-
 10 tration, or compliance with applicable laws, no hunt-
 11 ing, fishing, or trapping will be permitted in the Wil-
 12 derness.

13 (2) CONSULTATION.—Except in emergencies,
 14 the Secretary concerned shall consult with the ap-
 15 propriate State agency and notify the public before
 16 making any designation under paragraph (1).

17 (e) COOPERATIVE AGREEMENT.—

18 (1) IN GENERAL.—The State (including a des-
 19 ignee of the State) may conduct wildlife manage-
 20 ment activities in the Wilderness—

21 (A) in accordance with the terms and con-
 22 ditions specified in the cooperative agreement
 23 between the Secretary of the Interior and the
 24 State entitled “Memorandum of Understanding
 25 between the Bureau of Land Management and

1 the Nevada Department of Wildlife Supplement
 2 No. 9” and signed November and December
 3 2003, including any amendments to the cooper-
 4 ative agreement agreed to by the Secretary of
 5 the Interior and the State; and

6 (B) subject to all applicable laws (including
 7 regulations).

8 (2) REFERENCES; CLARK COUNTY.—For the
 9 purposes of this subsection, any reference to Clark
 10 County in the cooperative agreement described in
 11 paragraph (1)(A) shall be considered to be a ref-
 12 erence to the Wilderness.

13 **SEC. 304. RELEASE OF WILDERNESS STUDY AREA.**

14 (a) FINDING.—Congress finds that, for the purposes
 15 of section 603(c) of the Federal Land Policy and Manage-
 16 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately
 17 1,065 acres of public land in the Burbank Canyons Wil-
 18 derness study area not designated as wilderness by section
 19 301 has been adequately studied for wilderness designa-
 20 tion.

21 (b) RELEASE.—Any public land described in sub-
 22 section (a) that is not designated as wilderness by this
 23 title—

24 (1) is no longer subject to—

1 (A) section 603(c) of the Federal Land
 2 Policy and Management Act of 1976 (43 U.S.C.
 3 1782(c)); or

4 (B) Secretarial Order No. 3310 issued by
 5 the Secretary of the Interior on December 22,
 6 2010; and

7 (2) shall be managed in accordance with—

8 (A) land management plans adopted under
 9 section 202 of the Federal Land Policy and
 10 Management Act of 1976 (43 U.S.C. 1712);
 11 and

12 (B) cooperative conservation agreements in
 13 existence on the date of enactment of this Act.

14 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
 15 **USES.**

16 Nothing in this title alters or diminishes the treaty
 17 rights of any Indian tribe (as defined in section 4 of the
 18 Indian Self-Determination and Education Assistance Act
 19 (25 U.S.C. 450b)).

1 **TITLE IV—TRANSFER OF ADMIN-**
 2 **ISTRATIVE JURISDICTION**
 3 **OVER FOREST SERVICE LAND**

4 **SEC. 401. AUTHORITY OF FOREST SERVICE TO TRANSFER**
 5 **ADMINISTRATIVE JURISDICTION TO STATE**
 6 **OR COUNTY FOR PUBLIC PURPOSES.**

7 (a) IN GENERAL.—Consistent with section 3(b) of
 8 Public Law 96–586 (commonly known as the “Santini-
 9 Burton Act”) (94 Stat. 3384), and subject to valid exist-
 10 ing rights and to such terms and conditions as the Sec-
 11 retary of Agriculture determines to be necessary, on re-
 12 quest by the State or County, the Secretary of Agriculture
 13 may transfer the Forest Service land or interests in Forest
 14 Service land described in subsection (b) to the State or
 15 County, without consideration, to protect the environ-
 16 mental quality and public recreational use of the trans-
 17 ferred Forest Service land.

18 (b) DESCRIPTION OF LAND.—The land referred to in
 19 subsection (a) is any Forest Service land that is within
 20 the boundaries of the area subject to acquisition under
 21 Public Law 96–586 (commonly known as the “Santini-
 22 Burton Act”) (94 Stat. 3381) that is unsuitable for Forest
 23 Service administration or necessary for a public purpose.

24 (c) USE OF LAND.—The land transferred under sub-
 25 section (a) shall—

1 (1) be managed by the State or County, as ap-
2 plicable, to maintain undeveloped open space and to
3 preserve the natural characteristics of the trans-
4 ferred land in perpetuity;

5 (2) be managed by the State or County, as ap-
6 plicable, to protect and enhance water quality,
7 stream environment zones, and important wildlife
8 habitat; and

9 (3) be used by the State or County, as applica-
10 ble, for recreation or other public purposes con-
11 sistent with the Act of June 14, 1926 (commonly
12 known as the “Recreation and Public Purposes
13 Act”) (43 U.S.C. 869 et seq.).

14 (d) REVERSION.—If a parcel of land transferred
15 under subsection (a) is used in a manner that is incon-
16 sistent with the use described for the parcel of land in
17 subsection (c), the parcel of land shall, at the discretion
18 of the Secretary of Agriculture, revert to the United
19 States.

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