

115TH CONGRESS
1ST SESSION

S. 1046

To facilitate certain pinyon-juniper related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, and to fully implement the White Pine County Conservation, Recreation, and Development Act.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2017

Mr. HELLER (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To facilitate certain pinyon-juniper related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, and to fully implement the White Pine County Conservation, Recreation, and Development Act.

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 “Eastern Nevada Eco-
5 nomic Development and Land Management Improvement
6 Act”.

1 **SEC. 2. FACILITATION OF PINYON-JUNIPER RELATED**
2 **PROJECTS IN LINCOLN COUNTY, NEVADA.**

3 (a) FACILITATION OF PINYON-JUNIPER RELATED
4 PROJECTS.—

5 (1) AVAILABILITY OF SPECIAL ACCOUNT UNDER
6 LINCOLN COUNTY LAND ACT OF 2000.—Section 5(b)
7 of the Lincoln County Land Act of 2000 (Public
8 Law 106–298; 114 Stat. 1048) is amended—

9 (A) in paragraph (1)—

10 (i) in subparagraph (B), by inserting
11 “and implementation” after “develop-
12 ment”; and

13 (ii) in subparagraph (C)—

14 (I) in clause (i), by striking “;
15 and” at the end and inserting a semi-
16 colon; and

17 (II) by adding at the end the fol-
18 lowing:

19 “(iii) development and implementation
20 of comprehensive, cost-effective, and multi-
21 jurisdictional hazardous fuels reduction
22 projects and wildfire prevention planning
23 activities (particularly for pinyon-juniper
24 dominated landscapes) and other range-
25 land and woodland restoration projects
26 within the County, consistent with the Ely

1 Resource Management Plan or any subse-
2 quent revisions or amendments to that
3 plan; and”; and

4 (B) by adding at the end the following:

5 “(3) COOPERATIVE AGREEMENTS.—The Direc-
6 tor of the Bureau of Land Management shall enter
7 into cooperative agreements with the County for
8 County-provided law enforcement and planning re-
9 lated activities approved by the Secretary regard-
10 ing—

11 “(A) wilderness in the County designated
12 by the Lincoln County Conservation, Recre-
13 ation, and Development Act of 2004 (Public
14 Law 108–424; 118 Stat. 2403);

15 “(B) cultural resources identified, pro-
16 tected, and managed pursuant to that Act;

17 “(C) planning, management, and law en-
18 forcement associated with the Silver State OHV
19 Trail designated by that Act; and

20 “(D) planning associated with land dis-
21 posal and related land use authorizations re-
22 quired for utility corridors and rights-of-way to
23 serve land that has been, or is to be, disposed
24 of pursuant to that Act (other than rights-of-

1 way granted pursuant to that Act) and this
2 Act.”.

3 (2) AVAILABILITY OF SPECIAL ACCOUNT UNDER
4 LINCOLN COUNTY CONSERVATION, RECREATION,
5 AND DEVELOPMENT ACT OF 2004.—Section 103 of
6 the Lincoln County Conservation, Recreation, and
7 Development Act of 2004 (Public Law 108–424;
8 118 Stat. 2405) is amended—

9 (A) in subsection (b)(3)—

10 (i) in subparagraph (E), by striking “;
11 and” at the end and inserting a semicolon;

12 (ii) in subparagraph (F), by striking
13 the period at the end and inserting “;
14 and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(G) development and implementation of
18 comprehensive, cost-effective, and multijuris-
19 dictional hazardous fuels reduction and wildfire
20 prevention planning activities (particularly for
21 pinyon-juniper dominated landscapes) and other
22 rangeland and woodland restoration projects
23 within the County, consistent with the Ely Re-
24 source Management Plan or any subsequent re-
25 visions or amendments to that plan.”; and

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

2 “(d) COOPERATIVE AGREEMENTS.—The Director of
3 the Bureau of Land Management shall enter into coopera-
4 tive agreements with the County for County-provided law
5 enforcement and planning related activities approved by
6 the Secretary regarding—

7 “(1) wilderness in the County designated by
8 this Act;

9 “(2) cultural resources identified, protected,
10 and managed pursuant to this Act;

11 “(3) planning, management, and law enforce-
12 ment associated with the Silver State OHV Trail
13 designated by this Act; and

14 “(4) planning associated with land disposal and
15 related land use authorizations required for utility
16 corridors and rights-of-way to serve land that has
17 been, or is to be, disposed of pursuant to this Act
18 (other than rights-of-way granted pursuant to this
19 Act) and the Lincoln County Land Act of 2000
20 (Public Law 106–298; 114 Stat. 1046).”.

21 (b) DISPOSITION OF PROCEEDS.—

22 (1) DISPOSITION OF PROCEEDS UNDER LIN-
23 COLN COUNTY LAND ACT OF 2000.—Section 5(a)(2)
24 of the Lincoln County Land Act of 2000 (Public

1 Law 106–298; 114 Stat. 1047) is amended by in-
 2 serting “and economic development” after “schools”.

3 (2) DISPOSITION OF PROCEEDS UNDER LIN-
 4 COLN COUNTY CONSERVATION, RECREATION, AND
 5 DEVELOPMENT ACT OF 2004.—Section 103(b)(2) of
 6 the Lincoln County Conservation, Recreation, and
 7 Development Act of 2004 (Public Law 108–424;
 8 118 Stat. 2405) is amended by striking “and trans-
 9 portation” and inserting “transportation, and eco-
 10 nomic development”.

11 (c) MODIFICATION OF UTILITY CORRIDOR.—The
 12 Secretary of the Interior shall realign the utility corridor
 13 established by section 301(a) of the Lincoln County Con-
 14 servation, Recreation, and Development Act of 2004 (Pub-
 15 lic Law 108–424; 118 Stat. 2412) to be aligned as gen-
 16 erally depicted on the map entitled “Proposed LCCRDA
 17 Utility Corridor Realignment” and dated March 14, 2017,
 18 by modifying the map entitled “Lincoln County Conserva-
 19 tion, Recreation, and Development Act” (referred to in
 20 this subsection as the “Map”) and dated October 1, 2004,
 21 by—

22 (1) removing the utility corridor from 5, 6, 7,
 23 8, 9, 10, 11, 14, and 15, T. 7 N., R. 68 E., of the
 24 Map; and

1 (2) redesignating the utility corridor so as to
2 appear in—

3 (A) sections 31, 32, and 33, T. 8 N., R.
4 68 E., of the Map;

5 (B) sections 4, 5, 6, and 7, T. 7 N., R. 68
6 E., of the Map; and

7 (C) sections 1 and 12, T. 7 N., 67 E., of
8 the Map.

9 (d) FINAL CORRECTIVE PATENT IN CLARK COUNTY,
10 NEVADA.—

11 (1) VALIDATION OF PATENT.—Patent number
12 27–2005–0081 issued by the Bureau of Land Man-
13 agement on February 18, 2005, is affirmed and vali-
14 dated as having been issued pursuant to, and in
15 compliance with, the Nevada-Florida Land Ex-
16 change Authorization Act of 1988 (Public Law 100–
17 275; 102 Stat. 52), the National Environmental Pol-
18 icy Act of 1969 (42 U.S.C. 4321 et seq.), and the
19 Federal Land Policy and Management Act of 1976
20 (43 U.S.C. 1701 et seq.) for the benefit of the desert
21 tortoise, other species, and the habitat of the desert
22 tortoise and other species to increase the likelihood
23 of the recovery of the desert tortoise and other spe-
24 cies.

1 (2) RATIFICATION OF RECONFIGURATION.—The
2 process used by the United States Fish and Wildlife
3 Service and the Bureau of Land Management in re-
4 configuring the land described in paragraph (1), as
5 depicted on Exhibit 1–4 of the Final Environmental
6 Impact Statement for the Planned Development
7 Project MSHCP, Lincoln County, NV (FWS–R8–
8 ES–2008–N0136) and the reconfiguration provided
9 for in special condition 10 of the Corps of Engineers
10 Permit No. 000005042 are ratified.

11 (e) ISSUANCE OF CORRECTIVE PATENT IN LINCOLN
12 COUNTY, NEVADA.—

13 (1) IN GENERAL.—The Secretary of the Inte-
14 rior, acting through the Director of the Bureau of
15 Land Management, may issue a corrective patent for
16 the 7,548 acres of land in Lincoln County, Nevada,
17 depicted on the map prepared by the Bureau of
18 Land Management entitled “Proposed Lincoln
19 County Land Reconfiguration” and dated January
20 28, 2016.

21 (2) APPLICABLE LAW.—A corrective patent
22 issued under paragraph (1) shall be considered to
23 have been issued pursuant to, and in compliance
24 with, the Nevada-Florida Land Exchange Authoriza-

1 tion Act of 1988 (Public Law 100–275; 102 Stat.
2 52).

3 **SEC. 3. MT. MORIAH WILDERNESS, HIGH SCHELLS WILDER-**
4 **NESS, AND ARC DOME WILDERNESS BOUND-**
5 **ARY ADJUSTMENTS.**

6 (a) AMENDMENTS TO THE PAM WHITE WILDERNESS
7 ACT.—Section 323 of the Pam White Wilderness Act of
8 2006 (16 U.S.C. 1132 note; Public Law 109–432; 120
9 Stat. 3031) is amended by striking subsection (e) and in-
10 serting the following:

11 “(e) MT. MORIAH WILDERNESS ADJUSTMENT.—The
12 boundary of the Mt. Moriah Wilderness established under
13 section 2(13) of the Nevada Wilderness Protection Act of
14 1989 (16 U.S.C. 1132 note; Public Law 101–195) is ad-
15 justed to include—

16 “(1) the land identified as the ‘Mount Moriah
17 Wilderness Area’ and ‘Mount Moriah Additions’ on
18 the map entitled ‘Eastern White Pine County’ and
19 dated November 29, 2006; and

20 “(2) the land identified as ‘NFS Lands’ on the
21 map entitled ‘Proposed Wilderness Boundary Ad-
22 justment Mt. Moriah Wilderness Area’ and dated
23 January 17, 2017.

24 “(f) HIGH SCHELLS WILDERNESS ADJUSTMENT.—
25 The boundary of the High Schells Wilderness established

1 under subsection (a)(11) is adjusted to include the land
 2 identified as ‘Include as Wilderness’ on the map entitled
 3 ‘McCoy Creek Adjustment’ and dated November 3, 2014,
 4 and to exclude the land identified as ‘NFS Lands’ on the
 5 map entitled ‘Proposed Wilderness Boundary Adjustment
 6 High Schells Wilderness Area’ and dated January 19,
 7 2017.”.

8 (b) AMENDMENTS TO THE NEVADA WILDERNESS
 9 PROTECTION ACT OF 1989.—The Nevada Wilderness
 10 Protection Act of 1989 (16 U.S.C. 1132 note; Public Law
 11 101–195; 103 Stat. 1784) is amended by adding at the
 12 end the following:

13 **“SEC. 12. ARC DOME BOUNDARY ADJUSTMENT.**

14 “The boundary of the Arc Dome Wilderness estab-
 15 lished under section 2(2) is adjusted to exclude the land
 16 identified as ‘Exclude from Wilderness’ on the map enti-
 17 tled ‘Arc Dome Adjustment’ and dated November 3,
 18 2014.”.

19 **SEC. 4. IMPLEMENTATION OF WHITE PINE COUNTY CON-**
 20 **SERVATION, RECREATION, AND DEVELOP-**
 21 **MENT ACT.**

22 (a) DISPOSITION OF PROCEEDS.—Section 312 of the
 23 White Pine County Conservation, Recreation, and Devel-
 24 opment Act of 2006 (Public Law 109–432; 120 Stat.
 25 3030) is amended—

1 (1) in paragraph (2), by striking “and plan-
 2 ning” and inserting “municipal water and sewer in-
 3 frastructure, public electric transmission facilities,
 4 public broadband infrastructure, and planning”; and
 5 (2) in paragraph (3)—

6 (A) in subparagraph (G), by striking “;
 7 and” and inserting a semicolon;

8 (B) in subparagraph (H), by striking the
 9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(I) processing by a government entity of
 12 public land use authorizations and rights-of-way
 13 relating to the development of land conveyed to
 14 the County under this Act, with an emphasis on
 15 authorizations and rights-of-way relating to any
 16 infrastructure needed for the expansion of the
 17 White Pine County Industrial Park under sec-
 18 tion 352(c)(2).”.

19 (b) CONVEYANCE TO WHITE PINE COUNTY, NE-
 20 VADA.—Section 352 of the White Pine County Conserva-
 21 tion, Recreation, and Development Act of 2006 (Public
 22 Law 109–432; 120 Stat. 3039) is amended—

23 (1) in subsection (a), by striking “the Sec-
 24 retary” and inserting “not later than December 31,
 25 2018, the Secretary”;

1 (2) in subsection (c)(3)(B)(i), by striking
2 “through a competitive bidding process” and insert-
3 ing “consistent with section 244 of the Nevada Re-
4 vised Statutes (as in effect on the date of enactment
5 of the Eastern Nevada Economic Development and
6 Land Management Improvement Act)”; and

7 (3) by adding at the end the following:

8 “(e) DEADLINE.—If the Secretary has not conveyed
9 to the County the parcels of land described in subsection
10 (b) by December 31, 2018, the Secretary shall imme-
11 diately convey to the County, without consideration, all
12 right, title, and interest of the United States in and to
13 the parcels of land.”.

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