

pursuant to this subsection, and interest earned thereon, shall be available until paid pursuant to this subsection, without further appropriation; shall not be considered as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for the purpose of revenue allocation; and shall not be reduced by any administrative or other costs incurred by the United States.

(c) **STUDY AND REPORT.**—After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.

#### **TITLE VII—[SODA ASH ROYALTY REDUCTION]**

##### **SEC. 701. SHORT TITLE.**

This Act may be cited as the “Soda Ash Royalty Reduction Act of 2004”.

##### **SEC. 702. FINDINGS.**

The Congress finds the following:

(1) The combination of global competitive pressures, flat domestic demand, and spiraling costs of production threaten the future of the United States soda ash industry.

(2) Despite booming world demand, growth in United States exports of soda ash since 1997 has been flat, with most of the world's largest markets for such growth, including Brazil, the People's Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies.

(3) The People's Republic of China is the prime competitor of the United States in soda ash production, and recently supplanted the United States as the largest producer of soda ash in the world.

(4) Over 700 jobs have been lost in the United States soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on Federal land, in 1996.

(5) Reduction of the royalty rate on soda ash produced on Federal land will provide needed relief to the United States soda ash industry and allow it to increase export growth and competitiveness in emerging world markets, and create new jobs in the United States.

##### **SEC. 703. REDUCTION IN ROYALTY RATE ON SODA ASH.**

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

##### **SEC. 704. STUDY.**

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value

of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1521.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1521, introduced by the Assistant Democratic Leader of the Senate, Senator REID of Nevada, would direct the Secretary of the Interior to convey public land currently managed by the Bureau of Land Management in Pahrump, Nevada, to the Edward H. McDaniel American Legion Post No. 22, for the construction of a post building and memorial park for use by the American Legion, and other veterans' groups, and the local community.

The bill was subsequently amended by the Committee on Resources where six additional titles were added. However, four of the six additional titles contained language that has once passed this House, and would simply make technical changes to seven existing National Heritage Areas and one Heritage Trail Route.

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Focusing then on the two remaining titles, title VI would temporarily set a royalty rate reduction upon the quantity or gross value of sodium compounds and related products at point of shipment to market from Federal lands over the next 5 years. It would also instruct the Secretary of the Interior to report to Congress on the effects of such royalty reduction, as well as to provide a recommendation of whether the reduced royalty rate should apply following the end of the 5-year period.

This is taken from the gentlewoman from Wyoming's (Mrs. CUBIN's) bill, H.R. 4625, which has passed the House already.

Similarly, title VII provides for a 5-year royalty rate reduction upon the quantity or gross value of potassium compounds from the mineral sylvite at point of shipment to market from Federal lands over the next 5 years. As under the previous title, the Secretary of the Interior would again be required

to recommend to Congress whether the reduced royalty rate should continue after the 5-year period. This is taken from H.R. 4984 authorized by the gentleman from New Mexico (Mr. PEARCE).

Mr. Speaker, Senate bill 1521, as amended, is supported by the majority and the minority of the Committee on Resources. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

The legislation we are considering is sponsored by Nevada Senator HARRY REID. Both Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL) and myself have become very much aware of the bipartisan efforts among the Nevada delegation to secure public lands for various causes.

This is another one of those situations, and while we do not always agree with a particular Nevada land bill, when we can, we are always pleased to be of some of some small service to the distinguished senator.

As a member of the American Legion Auxiliary myself, I am always pleased to support any bill that is done on behalf of the American Legion. As such, we have no objections to passing Senate 1521, as amended by the House.

Mr. Speaker, I have no further speakers on this legislation, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further speakers on S. 1521, would urge adoption of the bill, and I yield back the balance of my time.

The **SPEAKER** pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: “A bill to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes.”

A motion to reconsider was laid on the table.

#### **LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004**

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4593) to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

## TITLE I—LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

### SEC. 101. SHORT TITLE.

This title may be cited as the “Lincoln County Conservation, Recreation, and Development Act of 2004”.

#### Subtitle A—Land Disposal

### SEC. 111. DEFINITIONS.

In this subtitle:

(1) **COUNTY.**—The term “County” means Lincoln County, Nevada.

(2) **MAP.**—The term “map” means the map entitled “Lincoln County Conservation, Recreation, and Development Act Map” and dated October 1, 2004.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **SPECIAL ACCOUNT.**—The term “special account” means the special account established under section 113(b)(3).

### SEC. 112. CONVEYANCE OF LINCOLN COUNTY LAND.

(a) **IN GENERAL.**—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County, in accordance with that Act, this subtitle, and other applicable law and subject to valid existing rights, shall conduct sales of—

(1) the land described in subsection (b)(1) to qualified bidders not later than 75 days after the date of the enactment of this Act; and

(2) the land described in subsection (b)(2) to qualified bidders as such land becomes available for disposal.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of—

(1) the land identified on the map as Tract A and Tract B totaling approximately 13,328 acres; and

(2) between 87,000–90,000 acres of Bureau of Land Management managed public land in Lincoln County identified for disposal by the BLM either through—

(A) the Ely Resource Management Plan (intended to be finalized in 2005); or

(B) a subsequent amendment to that land use plan undertaken with full public involvement.

(c) **AVAILABILITY.**—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management;

(3) the Ely Field Office of the Bureau of Land Management; and

(4) the Caliente Field Station of the Bureau of Land Management.

(d) **JOINT SELECTION REQUIRED.**—The Secretary and the County shall jointly select which parcels of land described in subsection (b)(2) to offer for sale under subsection (a).

(e) **COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.**—Before a sale of land under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) County and city zoning ordinances; and

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

(f) **METHOD OF SALE; CONSIDERATION.**—The sale of land under subsection (a) shall be—

(1) consistent with section 203(d) and 203(f) of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713(d) and (f));

(2) through a competitive bidding process unless otherwise determined by the Secretary; and

(3) for not less than fair market value.

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights and except as provided in paragraph (2), the land described in subsection (b) is withdrawn from—

(A) all forms of entry and appropriation under the public land laws, including the mining laws;

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

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

(2) **EXCEPTION.**—Paragraph (1)(A) shall not apply to a competitive sale or an election by the County to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (43 U.S.C. 869 et seq; commonly known as the “Recreation and Public Purposes Act”).

(h) **DEADLINE FOR SALE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall—

(A) notwithstanding the Lincoln County Land Act of 2000 (114 Stat. 1046), not later than 75 days after the date of the enactment of this title, offer by sale the land described in subsection (b)(1) if there is a qualified bidder for such land; and

(B) offer for sale annually lands identified for sale in subsection (b)(2) until such lands are disposed of or unless the county requests a postponement under paragraph (2).

(2) **POSTPONEMENT; EXCLUSION FROM SALE.**—

(A) **REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.**—At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection (b)(2).

(B) **INDEFINITE POSTPONEMENT.**—Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

### SEC. 113. DISPOSITION OF PROCEEDS.

(a) **INITIAL LAND SALE.**—Section 5 of the Lincoln County Land Act of 2000 (114 Stat. 1047) shall apply to the disposition of the gross proceeds from the sale of land described in section 112(b)(1).

(b) **REIMBURSEMENT OF COSTS.**—Proceeds from the sale of lands described in section 112(b)(2) shall be used to reimburse costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of land described in section 102(b) including surveys appraisals, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and compliance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712).

(c) **DISPOSITION OF PROCEEDS.**—Following compliance with section 113(b) proceeds from sales of lands described in section 112(b)(2) shall be disbursed as follows—

(1) 5 percent shall be paid directly to the state for use in the general education program of the State;

(2) 45 percent shall be paid to the County for use for economic development in the County, including County parks, trails, and natural areas; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States and shall be available without further appropriation to the Secretary until expended for—

(A) the inventory, evaluation, protection and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 19792 (16 U.S.C. 470bb)) of the County;

(B) the development and implementation of a multispecies habitat conservation plan for the County;

(C) processing of public land use authorizations and rights-of-way relating to the development of land conveyed under section 112(b) of this Act;

(D) processing the Silver State OHV trail and implementing the management plan required by section 151(c)(2) of this Act; and

(E) processing wilderness designation, including but not limited to, the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated.

(d) **INVESTMENT OF SPECIAL ACCOUNT.**—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

#### Subtitle B—Wilderness Areas

### SEC. 121. FINDINGS.

Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

### SEC. 122. DEFINITIONS.

In this subtitle:

(1) **COUNTY.**—The term “County” means Lincoln County, Nevada.

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

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

### SEC. 123. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) **ADDITIONS.**—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) **MORMON MOUNTAINS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 157,938 acres, as generally depicted on the map entitled “Southern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Mormon Mountains Wilderness”.

(2) **MEADOW VALLEY RANGE WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 123,488 acres, as generally depicted on the map entitled “Southern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Meadow Valley Range Wilderness”.

(3) **DELAMAR MOUNTAINS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 111,328 acres, as generally depicted on the map entitled “Southern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Delamar Mountains Wilderness”.

(4) **CLOVER MOUNTAINS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 85,748 acres, as generally depicted on the map entitled “Southern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Clover Mountains Wilderness”.

(5) **SOUTH PAHROC RANGE WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 25,800 acres, as generally depicted on the map entitled “Western Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “South Pahroc Range Wilderness”.

(6) **WORTHINGTON MOUNTAINS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 30,664 acres, as generally depicted on the map entitled “Western Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Worthington Mountains Wilderness”.

(7) **WEEPAH SPRING WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 51,480 acres, as generally depicted on the map entitled “Western Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Weepah Spring Wilderness”.

(8) **PARSNIP PEAK WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 43,693 acres, as generally depicted on the map entitled “Northern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Parsnip Peak Wilderness”.

(9) **WHITE ROCK RANGE WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 24,413 acres, as generally depicted on the map entitled “Northern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “White Rock Range Wilderness”.

(10) **FORTIFICATION RANGE WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 30,656 acres, as generally depicted on the map entitled “Northern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Fortification Range Wilderness”.

(11) **FAR SOUTH EGANS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 36,384 acres, as generally depicted on the map entitled “Northern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Far South Egans Wilderness”.

(12) **TUNNEL SPRING WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 5,371 acres, as generally depicted on the map entitled “Southern Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Tunnel Spring Wilderness”.

(13) **BIG ROCKS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 12,997 acres, as generally depicted on the map entitled “Western Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Big Rocks Wilderness”.

(14) **MT. IRISH WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 28,334 acres, as generally depicted on the map entitled “Western Lincoln County Wilderness Map”, dated October 1, 2004, which shall be known as the “Mt. Irish Wilderness”.

(b) **BOUNDARY.**—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Re-

sources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) **EFFECT.**—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) **AVAILABILITY.**—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Nevada State Director of the Bureau of Land Management;

(C) the Ely Field Office of the Bureau of Land Management; and

(D) the Caliente Field Station of the Bureau of Land Management.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—

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

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

(3) operation of the mineral leasing and geothermal leasing laws.

#### SEC. 124. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

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

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

(b) **LIVESTOCK.**—Within the wilderness areas designated under this subtitle that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this title shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundaries of an area designated as wilderness by this subtitle that is acquired by the United States after the date of the enactment of this title shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) **WATER RIGHTS.**—

(1) **FINDINGS.**—Congress finds that—

(A) the land designated as Wilderness by this subtitle is within the Northern Mojave and Great Basin Deserts, is arid in nature, and includes ephemeral streams;

(B) the hydrology of the land designated as wilderness by this subtitle is predominantly characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region is characterized by ground water subject to local and regional flow gradients and unconfined and artesian conditions;

(D) the land designated as wilderness by this subtitle is generally not suitable for use or development of new water resource facilities; and

(E) because of the unique nature and hydrology of the desert land designated as wilderness by this subtitle, it is possible to provide for proper management and protection

of the wilderness and other values of lands in ways different from those used in other legislation.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this subtitle—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this subtitle;

(B) shall affect any water rights in the State existing on the date of the enactment of this title, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) **NEVADA WATER LAW.**—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this title with respect to the wilderness areas designated by this subtitle.

(4) **NEW PROJECTS.**—

(A) **WATER RESOURCE FACILITY.**—As used in this paragraph, the term “water resource facility”—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) **RESTRICTION ON NEW WATER RESOURCE FACILITIES.**—Except as otherwise provided in this title, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas designated by this title.

#### SEC. 125. ADJACENT MANAGEMENT.

(a) **IN GENERAL.**—Congress does not intend for the designation of wilderness in the State pursuant to this subtitle to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) **NONWILDERNESS ACTIVITIES.**—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

#### SEC. 126. MILITARY OVERFLIGHTS.

Nothing in this subtitle restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

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

#### SEC. 127. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this subtitle shall be construed to diminish the rights of any Indian tribe. Nothing in this subtitle shall be construed to diminish tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

**SEC. 128. RELEASE OF WILDERNESS STUDY AREAS.**

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management in the following areas has been adequately studied for wilderness designation:

(1) The Table Mountain Wilderness Study Area.

(2) Evergreen A, B, and C Wilderness Study Areas.

(3) Any portion of the wilderness study areas—

(A) not designated as wilderness by section 124(a); and

(B) depicted as released on—

(i) the map entitled “Northern Lincoln County Wilderness Map” and dated October 1, 2004;

(ii) the map entitled “Southern Lincoln County Wilderness Map” and dated October 1, 2004; or

(iii) the map entitled “Western Lincoln County Wilderness Map” and dated October 1, 2004.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

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

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) existing cooperative conservation agreements; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

**SEC. 129. WILDLIFE MANAGEMENT.**

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

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this subtitle where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, horses, and burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this title if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable,

and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—In consultation with the appropriate State agency (except in emergencies), the Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this title.

(f) COOPERATIVE AGREEMENT.—The terms and conditions under which the State, including a designee of the State, may conduct wildlife management activities in the wilderness areas designated by this subtitle are specified in the cooperative agreement between the Secretary and the State, entitled “Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9,” and signed November and December 2003, including any amendments to that document agreed upon by the Secretary and the State and subject to all applicable laws and regulations. Any references to Clark County in that document shall also be deemed to be referred to and shall apply to Lincoln County, Nevada.

**SEC. 130. WILDFIRE MANAGEMENT.**

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this subtitle precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this subtitle.

**SEC. 131. CLIMATOLOGICAL DATA COLLECTION.**

Subject to such terms and conditions as the Secretary may prescribe, nothing in this subtitle precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this subtitle if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

**Subtitle C—Utility Corridors****SEC. 141. UTILITY CORRIDOR AND RIGHTS-OF-WAY.**

(a) UTILITY CORRIDOR.—

(1) IN GENERAL.—Consistent with subtitle B and notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1763), the Secretary of the Interior (referred to in this section as the “Secretary”) shall establish on public land a 2,640-foot wide corridor for utilities in Lincoln County and Clark County, Nevada, as generally depicted on the map entitled “Lincoln County Conservation, Recreation, and Development Act”, and dated October 1, 2004.

(2) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Nevada State Director of the Bureau of Land Management;

(C) the Ely Field Office of the Bureau of Land Management; and

(D) the Caliente Field Station of the Bureau of Land Management.

(b) RIGHTS-OF-WAY.—

(1) IN GENERAL.—Notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1763), and subject to valid and existing rights, the Secretary shall grant to the Southern Nevada Water Authority and the Lincoln County Water District nonexclusive rights-of-way to Federal land in Lincoln County and Clark

County, Nevada, for any roads, wells, well fields, pipes, pipelines, pump stations, storage facilities, or other facilities and systems that are necessary for the construction and operation of a water conveyance system, as depicted on the map.

(2) APPLICABLE LAW.—A right-of-way granted under paragraph (1) shall be granted in perpetuity and shall not require the payment of rental.

(3) COMPLIANCE WITH NEPA.—Before granting a right-of-way under paragraph (1), the Secretary shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the identification and consideration of potential impacts to fish and wildlife resources and habitat.

(c) WITHDRAWAL.—Subject to valid existing rights, the utility corridors designated by subsection (a) are withdrawn from—

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

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

(3) operation of the mineral leasing and geothermal leasing laws.

(d) STATE WATER LAW.—Nothing in this subtitle shall—

(1) prejudice the decisions or abrogate the jurisdiction of the Nevada or Utah State Engineers with respect to the appropriation, permitting, certification, or adjudication of water rights;

(2) preempt Nevada or Utah State water law; or

(3) limit or supersede existing water rights or interest in water rights under Nevada or Utah State law.

(e) WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary, acting through the United States Geological Survey and the Desert Research Institute, and a designee from the State of Utah shall conduct a study to investigate ground water quantity, quality, and flow characteristics in the deep carbonate and alluvial aquifers of Lincoln and White Pine Counties, Nevada and adjacent areas in Utah. The study shall—

(A) include new and review of existing data;

(B) determine the volume of water stored in aquifers in those areas;

(C) determine the discharge and recharge characteristics of each aquifer system;

(D) determine the hydrogeologic and other controls that govern the discharge and recharge of each aquifer system; and

(E) develop maps at a consistent scale depicting aquifer systems and the recharge and discharge areas of such systems.

(2) TIMING; AVAILABILITY.—The Secretary shall complete a draft of the water resources report required under paragraph (1) not later than 30 months after the date of the enactment of this Act. The Secretary shall then make the draft report available for public comment for a period of not less than 60 days. The final report shall be submitted to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate and made available to the public not later than 36 months after the date of the enactment of this Act.

(3) AGREEMENT.—Prior to any transbasin diversion from ground-water basins located within both the State of Nevada and the State of Utah, the State of Nevada and the State of Utah shall reach an agreement regarding the division of water resources of those interstate ground-water flow system(s) from which water will be diverted and used by the project. The agreement shall allow for the maximum sustainable beneficial use of the water resources and protect existing water rights.

**SEC. 142. RELOCATION OF RIGHT-OF-WAY AND UTILITY CORRIDORS LOCATED IN CLARK AND LINCOLN COUNTIES IN THE STATE OF NEVADA.**

(a) **DEFINITIONS.**—In this section:

(1) **AGREEMENT.**—The term “Agreement” means the land exchange agreement between Aerojet-General Corporation and the United States, dated July 14, 1988.

(2) **CORRIDOR.**—The term “corridor” means—

(A) the right-of-way corridor that is—

(i) identified in section 5(b)(1) of the Nevada-Florida Land Exchange Authorization Act of 1988 (102 Stat. 55); and

(ii) described in section 14(a) of the Agreement;

(B) such portion of the utility corridor identified in the 1988 Las Vegas Resource Management Plan located south of the boundary of the corridor described in subparagraph (A) as is necessary to relocate the right-of-way corridor to the area described in subsection (c)(2); and

(C) such portion of the utility corridor identified in the 2000 Caliente Management Framework Plan Amendment located north of the boundary of the corridor described in subparagraph (A) as is necessary to relocate the right-of-way corridor to the area described in subsection (c)(2).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **RELINQUISHMENT AND FAIR MARKET VALUE.**—

(1) **IN GENERAL.**—The Secretary shall, in accordance with this section, relinquish all right, title, and interest of the United States in and to the corridor on receipt of a payment in an amount equal to the fair market value of the corridor (plus any costs relating to the right-of-way relocation described in this subtitle).

(2) **FAIR MARKET VALUE.**—

(A) The fair market value of the corridor shall be equal to the amount by which the value of the discount described in the 1988 appraisal of the corridor that was applied to the land underlying the corridor has increased, as determined by the Secretary using the multiplier determined under subparagraph (B).

(B) Not later than 60 days after the date of the enactment of this Act, the Appraisal Services Directorate of the Department of the Interior shall determine an appropriate multiplier to reflect the change in the value of the land underlying the corridor between—

(i) the date of which the corridor was transferred in accordance with the Agreement; and

(ii) the date of enactment of this Act.

(3) **PROCEEDS.**—Proceeds under this subsection shall be deposited in the account established under section 113(c)

(c) **RELOCATION.**—

(1) **IN GENERAL.**—The Secretary shall relocate to the area described in paragraph (2), the portion of IDI-26446 and UTU-73363 identified as NVN-49781 that is located in the corridor relinquished under subsection (b)(1).

(2) **DESCRIPTION OF AREA.**—The area referred to in paragraph (1) is the area located on public land west of United States Route 93

(3) **REQUIREMENTS.**—The relocation under paragraph (1) shall be conducted in a manner that—

(A) minimizes engineering design changes; and

(B) maintains a gradual and smooth interconnection of the corridor with the area described in paragraph (2).

(4) **AUTHORIZED USES.**—The Secretary may authorize the location of any above ground or underground utility facility, transmission lines, gas pipelines, natural gas pipelines,

fiber optics, telecommunications, water lines, wells (including monitoring wells), cable television, and any related appurtenances in the area described in paragraph (1).

(d) **EFFECT.**—The relocation of the corridor under this section shall not require the Secretary to update the 1998 Las Vegas Valley Resource Management Plan or the 2000 Caliente Management Framework Plan Amendment.

(e) **WAIVER OF CERTAIN REQUIREMENTS.**—The Secretary shall waive the requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) that would otherwise be applicable to the holders of the right-of-way corridor described in subsection (a)(2)(A) with respect to an amendment to the legal description of the right-of-way corridor.

**Subtitle D—Silver State Off-Highway Vehicle Trail**

**SEC. 151. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.**

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **MAP.**—The term “Map” means the map entitled “Lincoln County Conservation, Recreation and Development Act Map” and dated October 1, 2004.

(3) **TRAIL.**—The term “Trail” means the system of trails designated in subsection (b) as the Silver State Off-Highway Vehicle Trail.

(b) **DESIGNATION.**—The trails that are generally depicted on the Map are hereby designated as the “Silver State Off-Highway Vehicle Trail”.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Trail in a manner that—

(A) is consistent with motorized and mechanized use of the Trail that is authorized on the date of the enactment of this title pursuant to applicable Federal and State laws and regulations;

(B) ensures the safety of the people who use the Trail; and

(C) does not damage sensitive habitat or cultural resources.

(2) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this title, the Secretary, in consultation with the State, the County, and any other interested persons, shall complete a management plan for the Trail.

(B) **COMPONENTS.**—The management plan shall—

(i) describe the appropriate uses and management of the Trail;

(ii) authorize the use of motorized and mechanized vehicles on the Trail; and

(iii) describe actions carried out to periodically evaluate and manage the appropriate levels of use and location of the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(3) **MONITORING AND EVALUATION.**—

(A) **ANNUAL ASSESSMENT.**—The Secretary shall annually assess the effects of the use of off-highway vehicles on the Trail and, in consultation with the Nevada Division of Wildlife, assess the effects of the Trail on wildlife and wildlife habitat to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(B) **CLOSURE.**—The Secretary, in consultation with the State and the County, may temporarily close or permanently reroute, subject to subparagraph (C), a portion of the Trail if the Secretary determines that—

(i) the Trail is having an adverse impact on—

(I) natural resources; or

(II) cultural resources;

(ii) the Trail threatens public safety;

(iii) closure of the Trail is necessary to repair damage to the Trail; or

(iv) closure of the Trail is necessary to repair resource damage.

(C) **REROUTING.**—Portions of the Trail that are temporarily closed may be permanently rerouted along existing roads and trails on public lands currently open to motorized use if the Secretary determines that such rerouting will not significantly increase or decrease the length of the Trail.

(D) **NOTICE.**—The Secretary shall provide information to the public regarding any routes on the Trail that are closed under subparagraph (B), including by providing appropriate signage along the Trail.

(4) **NOTICE OF OPEN ROUTES.**—The Secretary shall ensure that visitors to the Trail have access to adequate notice regarding the routes on the Trail that are open through use of appropriate signage along the Trail and through the distribution of maps, safety education materials, and other information considered appropriate by the Secretary.

(d) **NO EFFECT ON NON-FEDERAL LAND AND INTERESTS IN LAND.**—Nothing in this section shall be construed to affect ownership, management, or other rights related to non-Federal land or interests in land.

(e) **MAP ON FILE.**—The Map shall be kept on file at the appropriate offices of the Secretary.

**Subtitle E—Open Space Parks**

**SEC. 161. OPEN SPACE PARK CONVEYANCE TO LINCOLN COUNTY, NEVADA.**

(a) **CONVEYANCE.**—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1171, 1712), not later than 1 year after lands are identified by the County, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right title, and interest of the United States in and to the parcels of land described in subsection (b).

(b) **DESCRIPTION OF LAND.**—Up to 15,000 acres of Bureau of Land Management-managed public land in Lincoln County identified by the county in consultation with the Bureau of Land Management.

(c) **COSTS.**—Any costs relating to any conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the County, or in accordance with section 113(c)(2) of this title.

(d) **USE OF LAND.**—

(1) **IN GENERAL.**—Any parcel of land conveyed to the County under subsection (a) shall be used only for—

(A) the conservation of natural resources; or

(B) public parks.

(2) **FACILITIES.**—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) **REVERSION.**—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses specified in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

**SEC. 162. OPEN SPACE PARK CONVEYANCE TO THE STATE OF NEVADA.**

(a) **CONVEYANCE.**—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State of Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b), if there is a written agreement between the State and Lincoln County, Nevada, supporting such a conveyance.

(b) **DESCRIPTION OF LAND.**—The parcels of land referred to in subsection (a) are the parcels of land depicted as “NV St. Park Expansion Proposal” on the map entitled “Lincoln County Conservation, Recreation, and Development Act Map” and dated October 1, 2004.

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

(d) **USE OF LAND.**—

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

(A) the conservation of natural resources; or

(B) public parks.

(2) **FACILITIES.**—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) **REVERSION.**—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses specified in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

#### Subtitle F—Jurisdiction Transfer

### SEC. 171. TRANSFER OF ADMINISTRATIVE JURISDICTION BETWEEN THE FISH AND WILDLIFE SERVICE AND THE BUREAU OF LAND MANAGEMENT.

(a) **IN GENERAL.**—Administrative jurisdiction over the land described in subsection (b) is transferred from the United States Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Desert National Wildlife Range and the administrative jurisdiction over the land described in subsection (c) is transferred from the United States Fish and Wildlife Service to the United States Bureau of Land Management.

(b) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (a) is the approximately 8,503 acres of land administered by the United States Bureau of Land Management as generally depicted on the map entitled “Lincoln County Conservation, Recreation, and Development Act Map” and identified as “Lands to be transferred to the Fish and Wildlife Service” and dated October 1, 2004.

(c) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (a) is the approximately 8,382 acres of land administered by the United States Fish and Wildlife Service as generally depicted on the map entitled “Lincoln County Conservation, Recreation, and Development Act Map” and identified as “Lands to be transferred to the Bureau of Land Management” and dated October 1, 2004.

(d) **AVAILABILITY.**—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management;

(3) the Ely Field Station of the Bureau of Land Management;

(4) the Caliente Field Office of the Bureau of Land Management;

(5) the Office of the Director of the United States Fish and Wildlife Service; and

(6) the Office of the Desert National Wildlife Complex.

### TITLE II—OJITO WILDERNESS

#### SEC. 201. SHORT TITLE.

This title may be cited as the “Ojito Wilderness Act”.

#### SEC. 202. DEFINITIONS.

In this title:

(1) **PUEBLO.**—The term “Pueblo” means the Pueblo of Zia.

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

(3) **STATE.**—The term “State” means the State of New Mexico.

(4) **MAP.**—The term “map” means the map entitled “Ojito Wilderness Act” and dated October 1, 2004.

(5) **WILDERNESS.**—The term “Wilderness” means the Ojito Wilderness designated under section 3(a).

### SEC. 203. DESIGNATION OF THE OJITO WILDERNESS.

(a) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 11,183 acres, as generally depicted on the map, and which shall be known as the “Ojito Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—The map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **MANAGEMENT OF WILDERNESS.**—Subject to valid existing rights, the Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) **MANAGEMENT OF NEWLY ACQUIRED LAND.**—If acquired by the United States, the following land shall become part of the Wilderness and shall be managed in accordance with this title and other laws applicable to the Wilderness:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the Wilderness.

(e) **MANAGEMENT OF LANDS TO BE ADDED.**—The lands generally depicted on the map as “Lands to be Added” shall become part of the Wilderness if the United States acquires, or alternative adequate access is available to section 12 of township 15 north, range 01 west.

(f) **RELEASE.**—The Congress hereby finds and directs that the lands generally depicted on the map as “Lands to be Released” have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (16 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) **GRAZING.**—Grazing of livestock in the Wilderness, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C.

1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) **WATER.**—Nothing in this section shall affect any existing valid water right.

(j) **WITHDRAWAL.**—Subject to valid existing rights, the Wilderness, the lands to be added under subsection (e), and lands authorized to be acquired by the Pueblo as generally depicted on the map are withdrawn from—

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

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

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) **EXCHANGE.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the Wilderness.

### SEC. 204. LAND HELD IN TRUST.

(a) **IN GENERAL.**—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as “BLM Lands Authorized to be Acquired by the Pueblo of Zia” shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) **DESCRIPTION OF LANDS.**—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) **CONSIDERATION.**—

(1) **IN GENERAL.**—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) **APPRAISAL.**—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) **AVAILABILITY.**—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) **PUBLIC ACCESS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary; Provided that the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) **CONDITIONS.**—Except as provided in subsection (f)—

(A) **IN GENERAL.**—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.



(B) PROHIBITED USES.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way, or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable requests for rights-of-way for utilities and pipelines over land acquired under subsection (a) that is designated as the Rights-of-Way corridor #1 as established in the Rio Puerco Resource Management Plan in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of the enactment of this Act over land authorized to be conveyed by this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4593, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4593 was introduced by myself and would designate over 700,000 acres of wilderness and release over 200,000 acres of land currently being managed as wilderness study areas. It would create a 260-mile off-highway vehicle trail; establish roughly 450 miles of utility corridors within Lincoln County for the purposes

of designating rights of way for the Southern Nevada Water Authority and Lincoln County Water District. It would privatize not more than 90,000 acres of public land deemed disposable by the Bureau of Land Management within the county, while conveying not more than 15,000 acres of public land to the State and county for use as parks and open space.

It is important to note that this proposal enjoys the support of the entire Nevada congressional delegation and is the product of exhaustive public participation, which is vital in a comprehensive bill such as this.

This bill was subsequently amended by the Committee on Resources, where one additional title was added. As amended, title II would designate the 11,000 Ojito Wilderness Study Area in Sandoval County, New Mexico, as wilderness and take certain Federal land into trust for the Pueblo of Zia for the purposes of consolidating its land holdings and to protect religious and cultural sites in the area.

Mr. Speaker, it is supported by the majority and minority of the committee. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4593, as it is being brought to the floor today, is a diverse bill affecting land and resources in Nevada and New Mexico.

First and foremost, I want to take this opportunity to commend my colleague the gentleman from New Mexico (Mr. UDALL) for his work on title II of this legislation, which designates the Ojito Wilderness in New Mexico. Title II is the text of H.R. 3176, introduced by the gentleman from New Mexico (Mr. UDALL) and favorably reported from the Committee on Resources.

The language of title II is a model of the legislative process. The gentleman from New Mexico (Mr. UDALL) has developed a bipartisan proposal that has significant local, State and national support, and we strongly support this aspect of H.R. 4593.

Title I of H.R. 4593 is the Lincoln County, Nevada, lands bill. This is a complex and far-reaching piece of legislation that includes utility corridors and rights of way, land sales and conveyances, also wilderness, ORV trails, land exchanges and water. There are still a number of issues and concerns with this title, but we are pleased that at least the two wilderness areas that were previously dropped have been added back in.

Mr. Speaker, H.R. 4593, as amended, is a compromise, and as such, we have no objection to its consideration by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield as much time as he shall consume to the gentleman from Nevada (Mr. PORTER), my good friend and colleague from district three.

Mr. PORTER. Mr. Speaker, I rise today to speak in support of H.R. 4593, the Lincoln County Conservation, Recreation, and Development Act of 2004. I appreciate the opportunity to speak in favor of this valuable legislation, and I am proud to be an original cosponsor.

I would also like to thank my colleague, the gentleman from Nevada (Mr. GIBBONS), for introducing this legislation in the House, as well as Senator ENSIGN and Senator REID for introducing companion legislation in the Senate. H.R. 4593 represents an important compromise and enjoys strong bipartisan support from the entire Nevada congressional delegation.

The area I represent in Congress is one of the fastest growing areas in the Nation. The growth of Clark County has been significant, and it is a tribute to the leadership of our elected and administrative officials, the hard work and dedication of local developers and the economic success of the Las Vegas region.

We have worked hard in the State of Nevada to ensure the organized, strategic and orchestrated growth of our community while still maintaining and preserving many of Nevada's environmental treasures and our resources. This growth, while impressive, has created and placed new and increased pressures on our existing precious resources, such as infrastructure, education and water. In my 20 years in public office, I have seized opportunities to better manage this growth and the responsibilities and liabilities it brings.

I see the Lincoln County Conservation, Recreation and Development Act as legislation that can benefit southern Nevada, Lincoln County and the full State of Nevada as our economy and population continue to grow, specifically with the development of additional water resources.

At a time when Clark County continues to lead the Nation in growth with thousands of new residents each month, Nevada has access to the smallest water allocation of the seven States using the Colorado River. By 2002, our population had increased to 1.6 million people, most of whom reside in the Las Vegas Valley, and water use had far surpassed our 300,000-acre-foot allocation from the Colorado River. As a result, we must remain committed to maximizing the use of available Colorado River water while at the same time making use of existing in-State resources.

As drought continues in the West and our State continues to grow, the development of the in-State water resources grows increasingly important. This legislation will help with the proposed development of our in-State resources intended to diversify our water supply and supplement Nevada's water entitlement from the Colorado River. The Lincoln County Conservation, Recreation and Development Act will help to expedite a solution to southern Nevada's current water situation without

compromising public involvement and environmental compliance.

Mr. Speaker, for the past decade, Colorado River water and conservation have been the most cost-effective options to meet demands in southern Nevada. However, as we plan for the future, the continued development of additional water resources has become necessary.

Development of in-State water resources will provide southern Nevada with a long-term, reliable water supply to meet the increased demands of a growing population and ensure supply during times of drought. Accessing these resources requires significant investment, and H.R. 4593 is an important step forward in achieving these goals.

I would like to urge my colleagues in the House to support this important bipartisan legislation and join me in voting for H.R. 4593.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers on this, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I also have no additional requests for time, would urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4593, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1445

#### AUTHORIZING SECRETARY OF THE INTERIOR TO PARTICIPATE IN BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2960) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project.

The Clerk read as follows:

H.R. 2960

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following new section:

#### “SEC. 163. BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT.

“(a) IN GENERAL.—The Secretary, in cooperation with the Brownsville Public Utility Board, may participate in the design,

planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).”

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the last item relating title XVI the following:

“Sec. 163. Brownsville Public Utility Board water recycling and desalinization project.”

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

#### GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2960, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2960, authored by the gentleman from Texas (Mr. ORTIZ), amends the Bureau of Reclamation's Title XVI Program to authorize the Secretary of the Interior, in cooperation with the Brownsville Public Utility Board, to participate in the design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area. The Federal cost-share for the project will not exceed 25 percent of the total projected cost.

This bill will help ensure delivery of high-quality drinking water for the residents of the Brownsville area. By developing nontraditional water supplies, the community is reducing stress on the over-utilized Rio Grande while providing safe and dependable water supplies for future generations, and I therefore urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by commending my friend and colleague on the Committee on Resources, the gentleman from Texas (Mr. ORTIZ), for introducing this bill and for working hard to secure its passage.

The community leaders in the Brownsville, Texas, area also deserve recognition for the decision to use

water desalinization and water recycling as tools to stabilize their water supplies and reduce the impact of drought. We strongly support this legislation.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 2960, a bill I introduced that will amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project.

I would like to thank Chairman POMBO, Ranking Member RAHALL, as well as Water and Power Subcommittee Chairman CALVERT and Ranking Member NAPOLITANO, for their valuable support on this legislation.

This bill was considered in the House Resources Committee and was passed with no dissent. It will essentially allow the Brownsville PUB to participate in water recycling and desalinization project funding authorized by the Secretary of the Interior.

This bill, H.R. 2960, makes the Brownsville Public Utilities Board (PUB) eligible for a Federal share of Title 16 funding for design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville area.

PUB's water supply plan has several components including: reclaiming brackish groundwater (not obligated under the Mexican water treaty) through desalinization, and building a pipeline to transport treated sewage for irrigation. This is an important bill for Brownsville and the PUB because it will make them eligible for grants to do the essential work of reclaiming waters that are currently unusable in the South Texas area.

Given our current water situation, and the ongoing water debt with Mexico, Brownsville and the Rio Grande Valley must use all our creativity to find new sources of water for the next century to attend to all the needs of future water users. South Texas has seen an amazing amount of growth, a dynamic we expect to continue for decades to come. The more varied, and more creative, we are in finding new water sources, the more successful we will be in attracting new industry to sustain the growth of our Valley economy.

I ask my colleagues to support this bill.

Mr. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2960.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PROVO RIVER PROJECT TRANSFER ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, as amended.