

Public Law 100-550
100th Congress

An Act

Entitled the "National Forest and Public Lands Nevada Enhancement Act of 1988".

Oct. 28, 1988

[S. 59]

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

National Forest
and Public
Lands of Nevada
Enhancement
Act of 1988.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest and Public Lands of Nevada Enhancement Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the public lands transferred by this Act contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management;

(2) the public which uses these natural resources will be benefited by such adjustments in management;

(3) the public lands transferred by this Act to the jurisdiction of the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that similar efficiency and cost effectiveness will result from transferring jurisdiction of certain National Forest lands to the Bureau of Land Management; and

(4) there is a consensus in Nevada that certain lands should be added to the National Forest System and that certain National Forest System lands should be transferred to the Bureau of Land Management for management.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer to the jurisdiction of the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe and Inyo National Forests and will become National Forest System lands; and

(2) to transfer to the jurisdiction of the Bureau of Land Management, United States Department of the Interior, certain lands in Nevada currently administered by the Forest Service, United States Department of Agriculture. These lands are contiguous to other public lands and will be managed as such.

SEC. 3. DEFINITIONS.

As used in this Act—

(a) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(b) the term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

SEC. 4. TRANSFER OF LANDS.

(a) **TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.**—Effective one hundred and eighty days after the enactment of this Act, the approximately six hundred sixty-two thousand acres of public lands designated for inclusion in the National Forest System on three maps entitled "Nevada Interchange-A", dated January 1987, "Nevada Interchange-B", dated February 1988, and "Nevada Interchange-C", dated August 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(b) **BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.**—(1) The boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) **TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.**—Effective one hundred and eighty days after the enactment of this Act, the approximately twenty-three thousand acres of National Forest lands identified for management by the Bureau of Land Management on a map entitled "Nevada Interchange-A" and dated January 1987, are hereby transferred to the Secretary of the Interior.

(d) **MAPS.**—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection in the offices of the Governor of Nevada, the Supervisors of the Toiyabe and Inyo National Forests, the Nevada State Director of the Bureau of Land Management, the Chief of the Forest Service, and the Director of the Bureau of Land Management. The Secretaries of Agriculture and the Interior may make minor changes to the maps to correct technical errors.

(e) Effective one hundred and eighty days after enactment of this Act, lands transferred by subsection (a) of this section to the jurisdiction of the Secretary of Agriculture shall be subject to the planning requirements of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and lands transferred by subsection (c) of this section to the jurisdiction of the Secretary of the Interior shall be subject to the planning requirements of the Federal Land Policy and Management Act of 1976. All transferred lands shall continue to be managed in accordance with plans in effect on the date of enactment of this Act until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this Act, the respective transferred lands shall

be managed in a manner consistent with other National Forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this Act shall of itself require the amendment or revision of the existing plans governing public lands or National Forest lands affected by the addition of or deletion of lands transferred by this Act.

SEC. 5. WILDERNESS SUITABILITY.

(a) **BLM WILDERNESS STUDY AREAS.**—Any area or portion thereof designated as a Bureau of Land Management Wilderness Study Area, which is made a part of the National Forest System by this Act, shall be managed by the Secretary of Agriculture in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), to protect its wilderness character until Congress designates it as wilderness or releases it from further wilderness consideration. At the same time that the Secretary of the Interior submits wilderness recommendations to the Congress with regard to public lands in the State of Nevada, he shall also recommend to the Congress whether any wilderness study area or portion thereof transferred to the jurisdiction of the Forest Service by this Act should be included in the National Wilderness Preservation System.

(b) **ROADLESS AREAS NOT RECOMMENDED AS WILDERNESS.**—Any roadless area or portion thereof which is made a part of the National Forest System by this Act and which has been considered but not recommended for designation as wilderness pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans hereafter required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to review the wilderness option for such area prior to the next regular revision of such plans for the National Forest in question, but the Secretary of Agriculture shall review the wilderness option for such area when such plans are revised.

(c) If at any time after the date of enactment of this Act, Congress releases all or any portion of the one hundred and sixty acres of land described in this subsection from the requirements of section 603(c) of the Federal Land Policy and Management Act, the Secretary of Agriculture is authorized to offer for sale all or any portion of the released lands at fair market value. If the Secretary of Agriculture decides to sell such land, he shall give public notice of such sale and shall establish a date within six months of such notice for the receipt of bids on such land. The Secretary of Agriculture shall sell such land to the party submitting the highest bid (at least equal to fair market value) on or before such date. The land is described as follows:

Public
information.

MOUNT DIABLO MERIDIAN

Township 20 South, Range 57 East,

Section 28

Southeast quarter of Southeast quarter

Northwest quarter of Southeast quarter

Northeast quarter of Northeast quarter

Section 34, Southwest quarter of Northwest quarter

(d) NO ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—Nothing in the Act shall be construed to add lands to the National Wilderness Preservation System.

SEC. 6. MANAGEMENT OF MINERAL RESOURCES.

Nothing in this Act shall be construed to change the laws governing the management of mineral resources.

SEC. 7. ADMINISTRATION OF RECEIPTS.

The acreage added to the Toiyabe and Inyo National Forests in the State of Nevada by this Act shall not be counted in determining the distribution of the Twenty-Five Percent Fund between the States of California and Nevada under the Act of May 23, 1908, as amended: *Provided, however*, That the acreage added to these forests shall be counted in the distribution of the Twenty-Five Percent Fund among the affected counties in Nevada.

SEC. 8. WATER RIGHTS.

(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 4(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purpose for which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act.

(b) Congress hereby expressly relinquishes all Federal reserved water rights created by the initial withdrawal from the public domain in the lands transferred pursuant to section 4(c) effective on the date of such transfer.

(c) Nothing in this Act shall create an implied reservation of water.

(d) Nothing in this Act shall affect the right of the United States or of any person to acquire or dispose of water or water rights pursuant to the substantive and procedural requirements of the laws of the State of Nevada.

SEC. 9. VALID EXISTING RIGHTS.

(a) Nothing in this Act shall affect valid existing rights of any person under any authority of law.

(b) Authorizations to use lands transferred by this Act which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued. Such authorization shall be administered by the Secretary to whom jurisdiction over affected lands has been transferred by this Act. Any renewal or extension of such authorization shall be subject to the laws and regulations pertaining to the agency which has jurisdiction over the land at the time the renewal or extension is requested. The change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 10. ADMINISTRATIVE APPEALS.

With respect to the lands transferred by section 4, any formal administrative appeal, adjudication, or review pending on the date of transfer of jurisdiction under this Act shall be completed by the Secretary, or his designee, of the Department in which it was initiated.

SEC. 11. TRANSFER OF BUREAU OF RECLAMATION'S WILBUR SQUARE RESPONSIBILITIES TO THE CITY OF BOULDER CITY.

(a) Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enter into an agreement with the City of Boulder City, Nevada (hereinafter referred to as the "City"), which will provide that, upon acceptance by the City of title to and financial responsibility for continued maintenance of the parcel of land described in this subsection, all remaining repayment obligations owing to the United States, pursuant to contract numbered 14-06-300-978, dated January 4, 1960, between the United States and the City, as of the date of enactment of this Act, shall be discharged. The land shall be maintained as a public park by the City at its own cost and expense, and shall be conveyed to the City, without consideration, by quit claim deed subject to the conditions, restrictions, and protective covenants as established in the Guidelines of the Advisory Council on Historic Preservation (36 Code of Federal Regulations, part 800). Title shall revert to the United States if the land ceases to be used for park purposes. The agreement shall also stipulate that the City shall provide, without cost to the United States, the water supply required to water the Federal grounds surrounding the Bureau of Reclamation's administration building in the City, for as long as Federal ownership is retained, or through the year 2010, whichever occurs first. The land to be conveyed to the City is described as follows: approximately 3.25 acres, comprising all of block six, according to sheet 1 of 20, block plats of Boulder City, Nevada, drawing numbered X-300-460, dated July 15, 1959, and known as Wilbur Square or Government Park.

Contracts.

(b) The Secretary of the Interior is authorized to enter into an agreement for the City to provide gardening services on Bureau of Reclamation land within the City; and in partial payment for this gardening service to transfer to the City any or all lawn and garden equipment owned and used by the Bureau of Reclamation as of the date of enactment of this Act, which is used to maintain the Bureau's grounds within the City.

(c) The Secretary of the Interior is authorized to transfer title to the City to all or any portion of the City water supply system which remains in Federal ownership and located outside of the Hoover Dam security area, and to provide the City with a permanent easement across all Federal lands necessary to properly operate and maintain any facility so transferred. The agreement referred to in this section shall also provide that all obligations to make payments to the United States for operation, maintenance, and replacement for works transferred to the City shall be discharged as of the date

or dates of said transfer of title or operations and maintenance responsibility to the City.

Approved October 28, 1988.

LEGISLATIVE HISTORY—S. 59:

SENATE REPORTS: No. 100-511 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 12, considered and passed Senate.
Oct. 13, considered and passed House.