



## Document

# Lincoln County Conservation, Recreation and Development Act of 2004

HR 4593 EAS

***In the Senate of the United States,***

*October 10, 2004.*

*The Lincoln County bill designated 768,000 acres of new wilderness in eastern Nevada. As of the time of its passage, this was the single largest wilderness act in the state.*

Resolved, That the bill from the House of Representatives (H.R. 4593) entitled `An Act to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.', do pass with the following

### **AMENDMENT:**

Strike out all after the enacting clause and insert:

### **SECTION 1. AUTHORIZATION OF APPROPRIATIONS.**

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

### **SEC. 2. SHORT TITLE.**

*This Act may be cited as the `Lincoln County Conservation, Recreation, and Development Act of 2004'.*

### **Title I--LAND DISPOSAL**

### **SEC. 101. DEFINITIONS.**

*In this title:*

- (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 103(b)(3).*

### **SEC. 102. 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 title, 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) not more than 90,000 acres of Bureau of Land Management managed public land in Lincoln County that is not segregated or withdrawn on the date of enactment of this Act or thereafter, and that is identified for disposal by the BLM either through--*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 Act, 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. 103. 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 102(b)(1).*

*(b) DISPOSITION OF PROCEEDS- Proceeds from sales of lands described in section 102(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) 10 percent shall be paid to the County for use for fire protection, law enforcement, public safety, housing, social services, and transportation; 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 reimbursement of 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);*

*(B) 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;*

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

*(D) processing of public land use authorizations and rights-of-way relating to the development of land conveyed under section 102(a) of this Act;*

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

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

*(c) 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.*

## **Title II--WILDERNESS AREAS**

### **SEC. 111. 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. 112. DEFINITIONS.**

*In this title:*

*(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. 113. 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 Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Resources 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. 114. ADMINISTRATION.**

*(a) Management- Subject to valid existing rights, each area designated as wilderness by this title 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 Act; 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 title 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 Act 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 title that is acquired by the United States after the date of the enactment of this Act 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 title 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 title 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 title 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 title, 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 title--*

*(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 title;*

*(B) shall affect any water rights in the State existing on the date of the enactment of this Act, 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 Act with respect to the wilderness areas designated by this title.*

*(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 Act, 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 Act.*

## **SEC. 115. ADJACENT MANAGEMENT.**

*(a) In General- Congress does not intend for the designation of wilderness in the State pursuant to this title 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 title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.*

## **SEC. 116. MILITARY OVERFLIGHTS.**

*Nothing in this title restricts or precludes--*

*(1) low-level overflights of military aircraft over the areas designated as wilderness by this title, 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. 117. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**

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

**SEC. 118. 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 114(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 title--*

*(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. 119. 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 title 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 title.*

*(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 title 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 Act 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 Act.*

*(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 title 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. 120. WILDFIRE MANAGEMENT.**

*Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title 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 title.*

## **SEC. 121. CLIMATOLOGICAL DATA COLLECTION.**

*Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this title if the*

*facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.*

### **Title III--UTILITY CORRIDORS**

#### **SEC. 131. UTILITY CORRIDOR AND RIGHTS-OF-WAY.**

*(a) Utility Corridor-*

*(1) IN GENERAL- Consistent with title II 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 title 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, 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 White Pine County, Nevada, and any groundwater basins that are located in White Pine County, Nevada, or Lincoln County, Nevada, and adjacent areas in Utah. The study shall--*

*(A) focus on a review of existing data and may include new data;*

*(B) determine the approximate 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.*

*(4) FUNDING- Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317) is amended--*

*(A) in clauses (ii), (iv), and (v), by striking `County' each place it appears and inserting `and Lincoln Counties';*

*(B) in clause (vi), by striking `and' at the end;*

*(C) by redesignating clause (vii) as clause (viii); and*

(D) by inserting after clause (vi) the following:

*`(vii) for development of a water study for Lincoln and White Pine Counties, Nevada, in an amount not to exceed \$6,000,000; and'.*

**SEC. 132. 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 title).*

(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 103(b)(3)

(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.

#### **Title IV--SILVER STATE OFF-HIGHWAY VEHICLE TRAIL**

#### **SEC. 141. 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 Act 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 Act, 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.*

### **Title V--OPEN SPACE PARKS**

#### **SEC. 151. 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 103(b)(2) of this Act.*

*(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. 152. 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.*

## **Title VI--JURISDICTION TRANSFER**

### **SEC. 161. 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.*

Attest:

Secretary.

108th CONGRESS

2d Session

**H. R. 4593**

**AMENDMENT**

*END*