

104TH CONGRESS  
2D SESSION

# S. 1626

To provide for the orderly disposal of Federal lands in southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 19, 1996

Mr. BRYAN (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the orderly disposal of Federal lands in southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southern Nevada Pub-  
5 lic Land Management Act of 1996”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

1           (1) The Bureau of Land Management has ex-  
2           tensive land ownership in small and large parcels  
3           interspersed with or adjacent to private land in the  
4           Las Vegas Valley, Nevada, making many of these  
5           parcels difficult to manage and more appropriate for  
6           disposal.

7           (2) The ad hoc disposal of Federal land by the  
8           Bureau of Land Management has significantly con-  
9           tributed to growth in the Las Vegas Valley, impos-  
10          ing substantial costs on local government.

11          (3) In order to promote responsible and orderly  
12          development in the Las Vegas Valley, certain of  
13          those Federal lands should be sold by the Federal  
14          Government based on recommendations made by  
15          local government and the public.

16          (4) The value of Federal lands in the Las  
17          Vegas Valley is enhanced by local infrastructure im-  
18          provements which are paid for by local government.

19          (5) The Las Vegas metropolitan area is the  
20          fastest growing urban area in the United States,  
21          which is causing significant impacts upon the Lake  
22          Mead National Recreation Area, the Red Rock Can-  
23          yon National Conservation Area, and the Spring  
24          Mountains National Recreation Area, which sur-  
25          round the Las Vegas Valley.

1 (b) PURPOSE.—The purpose of this Act is to provide  
2 for the orderly disposal of certain Federal lands in Clark  
3 County, Nevada, and to provide for the acquisition of envi-  
4 ronmentally sensitive lands in the State of Nevada.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act:

7 (1) The term “Secretary” means the Secretary  
8 of the Interior.

9 (2) The term “Secretaries” means the Sec-  
10 retary of the Interior and the Secretary of Agri-  
11 culture.

12 (3) The term “unit of local government” means  
13 Clark County, the city of Las Vegas, the city of  
14 North Las Vegas, or the city of Henderson; all in  
15 the State of Nevada.

16 (4) The term “Agreement” means the agree-  
17 ment entitled “The Interim Cooperative Manage-  
18 ment Agreement Between The United States De-  
19 partment of the Interior—Bureau of Land Manage-  
20 ment and Clark County”, dated November 4, 1992.

21 (5) The term “special account” means the ac-  
22 count in the Treasury of the United States estab-  
23 lished under section 4(e)(1)(D).

1 **SEC. 4. DISPOSAL.**

2 (a) DISPOSAL.—Notwithstanding the land use plan-  
3 ning requirements contained in sections 202 and 203 of  
4 the Federal Land Policy and Management Act of 1976  
5 (43 U.S.C. 1711 and 1712), the Secretary, in accordance  
6 with this Act, shall by sale or exchange dispose of lands  
7 within the boundary of the area under the jurisdiction of  
8 the Director of the Bureau of Land Management in Clark  
9 County, Nevada, as generally depicted on the map entitled  
10 “Las Vegas Valley, Nevada, Land Disposal Map”, num-  
11 bered \_\_\_\_\_, and dated \_\_\_\_\_. Such map shall be on  
12 file and available for public inspection in the offices of the  
13 Director and the Las Vegas District of the Bureau of  
14 Land Management.

15 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

16 (1) ELECTION AND CONVEYANCE TO LOCAL  
17 GOVERNMENTS.—Not less than 90 days before the  
18 issuance of a patent to lands pursuant to subsection  
19 (a), the unit of local government in whose jurisdic-  
20 tion the lands are located may elect to obtain, with-  
21 out consideration, up to 12 percent of the lands for  
22 local public purposes. Pursuant to any such election,  
23 the Secretary shall convey the elected lands to such  
24 unit of the local government.

25 (2) REVERTER.—Except as provided by section  
26 7(a), if lands acquired by a unit of local government

1 under paragraph (1) are disposed of by such unit of  
2 local government or otherwise cease to be used for  
3 local public purposes, such lands shall revert to the  
4 United States. Lands revested in the United States  
5 under this paragraph shall be offered for disposal in  
6 accordance with this Act.

7 (c) WITHDRAWAL.—Subject to valid existing rights,  
8 all Federal lands identified in subsection (a) for disposal  
9 are withdrawn from location, entry, and patent under the  
10 mining laws and from operation under the mineral leasing  
11 and geothermal leasing laws.

12 (d) SELECTION.—

13 (1) JOINT SELECTION REQUIRED.—The Sec-  
14 retary and the unit of local government in whose ju-  
15 risdiction lands referred to in subsection (a) are lo-  
16 cated shall jointly select lands to be offered for sale  
17 or exchange under this section. If agreement cannot  
18 be reached on joint selection with respect to a parcel  
19 of land, the parcel may not be offered for sale or ex-  
20 change under subsection (a).

21 (2) OFFERING.—After land has been selected in  
22 accordance with this subsection, the Secretary shall  
23 make the first offering of land as soon as practicable  
24 after the date of enactment of this Act.

25 (e) DISPOSITION OF PROCEEDS.—

1           (1) LAND SALES.—Of the gross proceeds of  
2 sales of land under this subsection in a fiscal year—

3           (A) 5 percent shall be paid directly to the  
4 State of Nevada for use in the general edu-  
5 cation program of the State.

6           (B) 25 percent shall be paid directly to the  
7 Southern Nevada Water Authority for water  
8 treatment and transmission facility infrastruc-  
9 ture in Clark County, Nevada.

10          (C) 20 percent shall be paid directly to  
11 Clark County, Nevada, for development of  
12 parks and trails and for public recreation pur-  
13 poses within the Las Vegas Valley after the  
14 adoption of an interlocal agreement among  
15 Clark County, the city of Las Vegas, the city of  
16 North Las Vegas, and the city of Henderson.

17          (D) The remainder shall be deposited in a  
18 special account in the Treasury of the United  
19 States for use pursuant to the provisions of  
20 paragraphs (2) and (3). Amounts in the special  
21 account shall be available to the Secretaries  
22 without further appropriation and shall remain  
23 available until expended.

24          (2) LAND EXCHANGES.—In the case of a land  
25 exchange under this section (other than a land ex-

1 change described in section 7(a)), the Secretary shall  
2 provide direct payments pursuant to paragraphs (1)  
3 (A), (B), and (C) from any cash equalization pay-  
4 ment made to the Secretary pursuant to the ex-  
5 change agreement and from the special account. The  
6 payments shall be based on the appraised fair mar-  
7 ket value of the Federal lands to be conveyed in the  
8 exchange.

9 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

10 (A) IN GENERAL.—In addition to pay-  
11 ments under paragraph (2), amounts deposited  
12 in the special account may be expended by the  
13 Secretaries, acting jointly, for—

14 (i) the acquisition of environmentally  
15 sensitive land in the State of Nevada in ac-  
16 cordance with section 5, with priority given  
17 to lands located within Clark County; and

18 (ii) infrastructure needs associated  
19 with recreation and resource protection  
20 programs at the Lake Mead National  
21 Recreation Area, the Red Rock Canyon  
22 National Conservation Area and other  
23 areas administered by the Bureau of Land  
24 Management in Clark County, and the

1                   Spring Mountains National Recreation  
2                   Area.

3                   (B) PROCEDURES.—The Secretaries shall  
4                   jointly develop procedures for the use of the  
5                   special account that ensure accountability and  
6                   demonstrated results.

7                   (C) LIMITATION.—Not more than 50 per-  
8                   cent of the amounts available to the Secretaries  
9                   from the special account in any fiscal year (de-  
10                  termined without taking into account amounts  
11                  deposited under subsection (g)(4)) may be used  
12                  for the purposes described in subparagraph  
13                  (A)(ii).

14                 (f) INVESTMENT OF SPECIAL ACCOUNT.—All funds  
15                 deposited as principal in the special account shall earn in-  
16                 terest in the amount determined by the Secretary of the  
17                 Treasury on the basis of the current average market yield  
18                 on outstanding marketable obligations of the United  
19                 States of comparable maturities. Such interest shall be  
20                 added to the principal of the account and expended ac-  
21                 cording to the provisions of subsection e(3).

22                 (g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND  
23                 TRANSFER.—Upon request of Clark County, Nevada, the  
24                 Secretary shall transfer to Clark County, Nevada, without  
25                 consideration, all right, title, and interest of the United

1 States in and to the lands identified in the Agreement,  
2 subject to the following:

3 (1) Valid existing rights.

4 (2) Clark County agrees to manage such lands  
5 in accordance with the Agreement and with section  
6 47504 of title 49, United States Code (relating to  
7 airport noise compatibility planning), and regula-  
8 tions promulgated pursuant to that section.

9 (3) Clark County agrees that if any of such  
10 lands are sold or leased by Clark County, such sale  
11 or lease shall contain a limitation which requires  
12 uses compatible with the Agreement and such Air-  
13 port Noise Compatibility Planning provisions.

14 (4) Clark County agrees that if any of such  
15 lands are sold or leased by Clark County and are  
16 identified on the map referenced in section 2(a) of  
17 the Act entitled “An Act to provide for the orderly  
18 disposal of certain Federal lands in Nevada and for  
19 the acquisition of certain other lands in the Lake  
20 Tahoe Basin, and for other purposes”, approved De-  
21 cember 23, 1980 (94 Stat. 3381; commonly known  
22 as the “Santini-Burton Act”), Clark County shall  
23 contribute 85 percent of all proceeds from the sale  
24 or lease of such lands directly to the special account.  
25 Such proceeds shall be used by the Secretary of Ag-

1 riculture to acquire environmentally sensitive land in  
2 the Lake Tahoe Basin pursuant to section 3 of the  
3 Santini-Burton Act. The remaining proceeds shall be  
4 available for use by the Clark County Department of  
5 Aviation for the benefit of airport development, in-  
6 frastructure, and the Noise Compatibility Program.

7 **SEC. 5. ACQUISITIONS.**

8 (a) ACQUISITIONS.—

9 (1) DEFINITION.—For purposes of this sub-  
10 section, the term “environmentally sensitive land”  
11 means land or an interest in land, the acquisition of  
12 which by the United States would, in the judgment  
13 of the Secretary of the Interior or the Secretary of  
14 Agriculture—

15 (A) promote the preservation of natural,  
16 scientific, aesthetic, historical, cultural, water-  
17 shed, wildlife, and other values contributing to  
18 public enjoyment and biological diversity;

19 (B) enhance recreational opportunities and  
20 public access;

21 (C) provide the opportunity to achieve bet-  
22 ter management of public land through consoli-  
23 dation of Federal ownership; or

24 (D) otherwise serve the public interest.

1           (2) IN GENERAL.—After the consultation pro-  
2           cess has been completed in accordance with para-  
3           graph (3), the Secretaries may acquire by donation,  
4           purchase with donated or appropriated funds, or ex-  
5           change environmentally sensitive land and interests  
6           in environmentally sensitive land. Lands may not be  
7           acquired under this section without the consent of  
8           the owner thereof.

9           (3) CONSULTATION.—Before initiating acquisi-  
10          tion proceedings for any parcel of land under this  
11          subsection, the Secretary of the Interior or the Sec-  
12          retary of Agriculture shall consult with the State of  
13          Nevada and with local government within whose ju-  
14          risdiction the lands are located, including appro-  
15          priate planning and regulatory agencies, and with  
16          other interested persons, concerning the necessity of  
17          making the acquisition, the potential impacts on  
18          State and local government, and other appropriate  
19          aspects of the acquisition. Consultation under this  
20          paragraph is in addition to any other consultation  
21          required by law.

22          (b) ADMINISTRATION.—On acceptance of title by the  
23          United States, land and interests in land acquired under  
24          this section that is within the boundaries of a unit of the  
25          National Forest System, National Park System, National

1 Wildlife Refuge System, National Wild and Scenic Rivers  
2 System, National Trails System, National Wilderness  
3 Preservation System, any other system established by Act  
4 of Congress, or any national conservation or national  
5 recreation area established by Act of Congress—

6           (1) shall become part of the unit or area with-  
7           out further action by the Secretary of the Interior  
8           or Secretary of Agriculture; and

9           (2) shall be managed in accordance with all  
10          laws and regulations and land use plans applicable  
11          to the unit or area.

12          (c) DETERMINATION OF FAIR MARKET VALUE.—The  
13 fair market value of land or an interest in land to be ac-  
14 quired by the Secretary of the Interior or the Secretary  
15 of Agriculture under this section shall be determined by  
16 an appraisal made under section 206 of the Federal Land  
17 Policy and Management Act of 1976. Any such appraisal  
18 shall be made without regard to the presence of a species  
19 listed as threatened or endangered under the Endangered  
20 Species Act of 1973 (16 U.S.C. 1531 et seq.).

21          (d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)  
22 of title 31, United States Code, is amended—

23           (1) by striking “or” at the end of subparagraph  
24           (F);

1           (2) by striking the period at the end of sub-  
2           paragraph (G) and inserting “; or”; and

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

4                     “(H) acquired by the Secretary of the Inte-  
5                     rior or the Secretary of Agriculture under sec-  
6                     tion 5 of the Southern Nevada Public Land  
7                     Management Act.”.

8   **SEC. 6. REPORT.**

9           The Secretary of the Interior, in cooperation with the  
10          Secretary of Agriculture, shall submit to the Committee  
11          on Energy and Natural Resources of the Senate and the  
12          Committee on Resources of the House of Representatives  
13          an annual report on all transactions under this Act.

14   **SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.**

15          (a) EXCHANGES.—

16                 (1) IN GENERAL.—Upon request by a person  
17                 described in paragraph (2), the Secretary may enter  
18                 into an exchange of lands pursuant to section 206  
19                 of the Federal Land Policy and Management Act of  
20                 1976 (43 U.S.C. 1716). Exchanges pursuant to the  
21                 provisions of such section 206 may only be made for  
22                 lands of equal value, except that with respect to a  
23                 unit of local government an amount equal to the ex-  
24                 cess (if any) of the appraised fair market value of  
25                 lands received by the unit of local government over

1 the appraised fair market value of lands transferred  
2 by the unit of local government shall be paid to the  
3 Secretary and shall be treated under section 4(e)(1)  
4 of this Act as proceeds from the sale of land. For  
5 purposes of this subsection, the appraised fair mar-  
6 ket value of lands to be transferred by a unit of local  
7 government shall be determined without regard to  
8 the reverter provision of the lease or patent to such  
9 lands.

10 (2) PERSON DESCRIBED.—A person referred to  
11 in paragraph (1) is—

12 (A) a grantee of lands within Clark Coun-  
13 ty, Nevada, that are subject to a lease or patent  
14 issued under the Act entitled “An Act to au-  
15 thorize acquisition or use of public lands by  
16 States, counties, or municipalities for rec-  
17 reational purposes”, approved June 14, 1926  
18 (43 U.S.C. 869 et seq.; commonly known as the  
19 “Recreation and Public Purposes Act”), or

20 (B) a unit of local government making an  
21 election under section 4(b)(1).

22 (3) TERMS AND CONDITIONS APPLICABLE TO  
23 LANDS ACQUIRED.—Land acquired under this sec-  
24 tion by a grantee described in paragraph (2)(A)  
25 shall be subject to the terms and conditions, uses,

1 and acreage limitations of the lease or patent to  
2 which the lands transferred by the grantee were sub-  
3 ject, including the reverter provisions, under the  
4 Recreation and Public Purposes Act. Land acquired  
5 under this section by a unit of local government de-  
6 scribed in paragraph (2)(B) shall be subject to the  
7 reversion provisions of section 4(b)(2) of this Act.

8 (b) WATER TREATMENT FACILITIES.—Notwith-  
9 standing any other provision of law, the Secretary shall  
10 make land available under the Recreation and Public Pur-  
11 poses Act to the Southern Nevada Water Authority, as  
12 identified on the map entitled “Las Vegas Valley, Nevada,  
13 Water Treatment Facilities and Delivery System”, num-  
14 bered \_\_\_\_\_, and dated \_\_\_\_\_.

15 (c) FLOOD CONTROL.—The Secretary, in consulta-  
16 tion with the Army Corps of Engineers and the Clark  
17 County Regional Flood Control District, shall make avail-  
18 able land in Clark County, Nevada, in accordance with the  
19 Recreation and Public Purposes Act for flood control pur-  
20 poses. Such lands shall be made available to the Clark  
21 County Regional Flood Control District.

22 (d) AFFORDABLE HOUSING.—The Secretary, in con-  
23 sultation with the Secretary of Housing and Urban Devel-  
24 opment, shall make available land in the State of Nevada  
25 in accordance with the Recreation and Public Purposes

1 Act for affordable housing purposes. Such lands shall be  
 2 made available only to State or local governmental enti-  
 3 ties, including local public housing authorities. For the  
 4 purposes of this subsection, housing shall be considered  
 5 to be affordable housing if the housing is assisted under  
 6 the United States Housing Act of 1937 (42 U.S.C. 1437  
 7 et seq.).

8 **SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON**  
 9 **NATIONAL CONSERVATION AREA.**

10 Section 3(a)(2) of the Red Rock Canyon National  
 11 Conservation Area Establishment Act of 1990 (16 U.S.C.  
 12 460ccc-1(a)(2)) is amended to read as follows:

13 “(2) The conservation area shall consist of ap-  
 14 proximately \_\_\_\_\_ acres as generally depicted on the  
 15 map entitled ‘Red Rock Canyon National Conserva-  
 16 tion Area—Proposed Modification’, numbered  
 17 \_\_\_\_\_, and dated \_\_\_\_\_.”.

○