

Calendar No. 528

105TH CONGRESS
2^D SESSION**H. R. 449****[Report No. 105-291]**

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1997

Received; read twice and referred to the Committee on Energy and Natural
Resources

AUGUST 25, 1998

Reported under authority of the order of the Senate of July 31, 1998, by Mr.
MURKOWSKI, without amendment

AN ACT

To provide for the orderly disposal of certain Federal lands
in Clark County, Nevada, and to provide for the acqui-
sition of environmentally sensitive lands in the State of
Nevada.

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 1997”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

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

14 (3) The Las Vegas metropolitan area is the
15 fastest growing urban area in the United States,
16 which is causing significant impacts upon the Lake
17 Mead National Recreation Area, the Red Rock Can-
18 yon National Conservation Area, and the Spring
19 Mountains National Recreation Area, which sur-
20 round the Las Vegas Valley.

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

25 **SEC. 3. DEFINITIONS.**

26 As used in this Act:

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

3 (2) The term “unit of local government” means
4 Clark County, the City of Las Vegas, the City of
5 North Las Vegas, or the City of Henderson; all in
6 the State of Nevada.

7 (3) The term “Agreement” means the agree-
8 ment entitled “The Interim Cooperative Manage-
9 ment Agreement Between The United States De-
10 partment of the Interior—Bureau of Land Manage-
11 ment and Clark County”, dated November 4, 1992.

12 (4) The term “special account” means the ac-
13 count in the Treasury of the United States estab-
14 lished under section 4(e)(1)(C).

15 (5) The term “Recreation and Public Purposes
16 Act” means the Act entitled “An Act to authorize
17 acquisition or use of public lands by States, counties,
18 or municipalities for recreational purposes”, ap-
19 proved June 14, 1926 (43 U.S.C. 869 et seq.).

20 (6) The term “regional governmental entity”
21 means the Southern Nevada Water Authority, the
22 Regional Flood Control District, and the Clark
23 County Sanitation District.

1 **SEC. 4. DISPOSAL AND EXCHANGE.**

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, the Federal Land Policy and Management
7 Act of 1976, and other applicable law, and subject to valid
8 existing rights, is authorized to dispose of lands within the
9 boundary of the area under the jurisdiction of the Direc-
10 tion of the Bureau of Land Management in Clark County,
11 Nevada, as generally depicted on the map entitled “Las
12 Vegas Valley, Nevada, Land Disposal Map”, dated April
13 10, 1997. Such map shall be on file and available for pub-
14 lic inspection in the offices of the Director and the Las
15 Vegas District of the Bureau of Land Management.

16 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

17 (1) RECREATION AND PUBLIC PURPOSE ACT
18 CONVEYANCES.—Not less than 30 days before the
19 offering of lands for sale or exchange pursuant to
20 subsection (a), the State of Nevada or the unit of
21 local government in whose jurisdiction the lands are
22 located may elect to obtain any such lands for local
23 public purposes pursuant to the provisions of the
24 Recreation and Public Purposes Act. Pursuant to
25 any such election, the Secretary shall retain the
26 elected lands for conveyance to the State of Nevada

1 or such unit of the local government in accordance
2 with the provisions of the Recreation and Public
3 Purposes Act.

4 (2) RIGHTS-OF-WAY.—

5 (A) ISSUANCE.—Upon application, by a
6 unit of local government or regional govern-
7 mental entity, the Secretary, in accordance with
8 this Act and the Federal Land Policy and Man-
9 agement Act of 1976, and other applicable pro-
10 visions of law, shall issue right-of-way grants on
11 Federal lands in Clark County, Nevada, for all
12 reservoirs, canals, channels, ditches, pipes, pipe-
13 lines, tunnels and other facilities and systems
14 needed for—

15 (i) the impoundment, storage, treat-
16 ment, transportation or distribution of
17 water (other than water from the Virgin
18 River) or wastewater; or

19 (ii) flood control management.

20 (B) DURATION.—Right-of-way grants
21 issued under this paragraph shall be valid in
22 perpetuity.

23 (C) WAIVER OF FEES.—Right-of-way
24 grants issued under this paragraph shall not re-

1 quire the payment of rental or cost recovery
2 fees.

3 (3) YOUTH ACTIVITY FACILITIES.—Within 30
4 days after a request by Clark County, Nevada, the
5 Secretary shall offer to Clark County, Nevada, the
6 land depicted on the map entitled “Vicinity Map
7 Parcel 177–28–101–020 dated August 14, 1996, in
8 accordance with the Recreation and Public Purposes
9 Act for the construction of youth activity facilities.

10 (c) WITHDRAWAL.—Subject to valid existing rights,
11 all Federal lands identified in subsection (a) for disposal
12 are withdrawn from location and entry, under the mining
13 laws and from operation under the mineral leasing and
14 geothermal leasing laws until such time as the Secretary
15 terminates the withdrawal or the lands are patented.

16 (d) SELECTION.—

17 (1) JOINT SELECTION REQUIRED.—The Sec-
18 retary and the unit of local government in whose ju-
19 risdiction lands referred to in subsection (a) are lo-
20 cated shall jointly select lands to be offered for sale
21 or exchange under this section. The Secretary shall
22 coordinate land disposal activities with the unit of
23 local government in whose jurisdiction such lands
24 are located. Land disposal activities of the Secretary

1 shall be consistent with local land use planning and
2 zoning requirements and recommendations.

3 (2) OFFERING.—After land has been selected in
4 accordance with this subsection, the Secretary shall
5 make the first offering of land as soon as practicable
6 after the date of enactment of this Act.

7 (e) DISPOSITION OF PROCEEDS.—

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

10 (A) 5 percent shall be paid directly to the
11 State of Nevada for use in the general edu-
12 cation program of the State;

13 (B) 10 percent shall be paid directly to the
14 Southern Nevada Water Authority for water
15 treatment and transmission facility infrastruc-
16 ture in Clark County, Nevada; and

17 (C) 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 paragraph (3).

21 Amounts in the special account shall be available to
22 the Secretary without further appropriation and
23 shall remain available until expended.

24 (2) LAND EXCHANGES.—

1 (A) PAYMENTS.—In the case of a land ex-
2 change under this section, the non-Federal
3 party shall provide direct payments to the State
4 of Nevada and the Southern Nevada Water Au-
5 thority in accordance with paragraphs (1) (A)
6 and (B). The payments shall be based on the
7 fair market value of the Federal lands to be
8 conveyed in the exchange and shall be consid-
9 ered a cost incurred by the non-Federal party
10 that shall be compensated by the Secretary if so
11 provided by any agreement to initiate exchange.

12 (B) PENDING EXCHANGES.—The provi-
13 sions of this Act, except this subsection and
14 subsections (a) and (b), shall not apply to any
15 land exchange for which an initial agreement to
16 initiate an exchange was signed by an author-
17 ized representative of the exchange proponent
18 and an authorized officer of the Bureau of
19 Land Management prior to February 29, 1996.

20 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

21 (A) IN GENERAL.—Amounts deposited in
22 the special account may be expended by the
23 Secretary for—

24 (i) the acquisition of environmentally
25 sensitive land in the State of Nevada in ac-

1 cordance with subsection (h), with priority
2 given to lands located within Clark County;

3 (ii) capital improvements at the Lake
4 Mead National Recreation Area, the
5 Desert National Wildlife Refuge, the Red
6 Rock Canyon National Conservation Area
7 and other areas administered by the Bu-
8 reau of Land Management in Clark Coun-
9 ty, and the Spring Mountains National
10 Recreation Area;

11 (iii) development of a multispecies
12 habitat conservation plan in Clark County,
13 Nevada;

14 (iv) development of parks, trails, and
15 natural areas in Clark County, Nevada,
16 pursuant to a cooperative agreement with
17 a unit of local government; and

18 (v) reimbursement of costs incurred
19 by the local offices of the Bureau of Land
20 Management in arranging sales or ex-
21 changes under this Act.

22 (B) PROCEDURES.—The Secretary shall
23 coordinate the use of the special account with
24 the Secretary of Agriculture, the State of Ne-
25 vada, local governments, and other interested

1 persons, to ensure accountability and dem-
2 onstrated results.

3 (C) LIMITATION.—Not more than 25 per-
4 cent of the amounts available to the Secretary
5 from the special account in any fiscal year (de-
6 termined without taking into account amounts
7 deposited under subsection (g)(4)) may be used
8 in any fiscal year for the purposes described in
9 subparagraph (A)(ii).

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

18 (g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND
19 TRANSFER.—Upon request of Clark County, Nevada, the
20 Secretary shall transfer to Clark County, Nevada, without
21 consideration, all right, title, and interest of the United
22 States in and to the lands identified in the Agreement,
23 subject to the following:

24 (1) Valid existing rights.

1 (2) Clark County agrees to manage such lands
2 in accordance with the Agreement and with section
3 47504 of title 49, United States Code (relating to
4 airport noise compatibility planning), and regula-
5 tions promulgated pursuant to that section.

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

12 (4) Clark County agrees that if any of such
13 lands are sold, leased, or otherwise conveyed by
14 Clark County, such lands shall be sold, leased, or
15 otherwise conveyed for fair market value. Clark
16 County shall contribute 85 percent of the gross pro-
17 ceeds from the sale, lease, or other conveyance of
18 such lands directly to the special account. If any of
19 such lands sold, leased, or otherwise conveyed by
20 Clark County are identified on the map referenced
21 in section 2(a) of the Act entitled “An Act to pro-
22 vide for the orderly disposal of certain Federal lands
23 in Nevada and for the acquisition of certain other
24 lands in the Lake Tahoe Basin, and for other pur-
25 poses”, approved December 23, 1980 (94 Stat.

1 3381; commonly known as the “Santini-Burton
2 Act”), the proceeds contributed to the special ac-
3 count by Clark County from the sale, lease, or other
4 conveyance of such lands shall be used by the Sec-
5 retary of Agriculture to acquire environmentally sen-
6 sitive land in the Lake Tahoe Basin pursuant to sec-
7 tion 3 of the Santini-Burton Act. Clark County shall
8 contribute 5 percent of the gross proceeds from the
9 sale, lease, or other conveyance of such lands di-
10 rectly to the State of Nevada for use in the general
11 education program of the State, and the remainder
12 shall be available for use by the Clark County De-
13 partment of Aviation for the benefit of airport devel-
14 opment and the Noise Compatibility Program.

15 **SEC. 5. ACQUISITIONS.**

16 (a) ACQUISITIONS.—

17 (1) DEFINITION.—For purposes of this sub-
18 section, the term “environmentally sensitive land”
19 means land or an interest in land, the acquisition of
20 which the United States would, in the judgment of
21 the Secretary or the Secretary of Agriculture—

22 (A) promote the preservation of natural,
23 scientific, aesthetic, historical, cultural, water-
24 shed, wildlife, and other values contributing to
25 public enjoyment and biological diversity;

1 (B) enhance recreational opportunities and
2 public access;

3 (C) provide the opportunity to achieve bet-
4 ter management of public land through consoli-
5 dation of Federal ownership; or

6 (D) otherwise serve the public interest.

7 (2) IN GENERAL.—After the consultation proc-
8 ess has been completed in accordance with para-
9 graph (3), the Secretary may acquire with the pro-
10 ceeds of the special account environmentally sen-
11 sitive land and interests in environmentally sensitive
12 land. Lands may not be acquired under this section
13 without the consent of the owner thereof. Funds
14 made available from the special account may be used
15 with any other funds made available under any other
16 provision of law.

17 (3) CONSULTATION.—Before initiating efforts
18 to acquire land under this subsection, the Secretary
19 or the Secretary of Agriculture shall consult with the
20 State of Nevada and with local government within
21 whose jurisdiction the lands are located, including
22 appropriate planning and regulatory agencies, and
23 with other interested persons, concerning the neces-
24 sity of making the acquisition, the potential impacts
25 on State and local government, and other appro-

1 appropriate aspects of the acquisition. Consultation under
2 this paragraph is in addition to any other consulta-
3 tion required by law.

4 (b) ADMINISTRATION.—On acceptance of title by the
5 United States, land and interests in land acquired under
6 this subsection that is within the boundaries of a unit of
7 the National Forest System, National Park System, Na-
8 tional Wildlife Refuge System, National Wild and Scenic
9 Rivers System, National Trails System, National Wilder-
10 ness Preservation System, any other system established by
11 Act of Congress, or any national conservation or national
12 recreation area established by Act of Congress—

13 (1) shall become part of the unit or area with-
14 out further action by the Secretary or Secretary of
15 Agriculture; and

16 (2) shall be managed in accordance with all
17 laws and regulations and land use plans applicable
18 to the unit or area.

19 (c) DETERMINATION OF FAIR MARKET VALUE.—The
20 fair market value of land or an interest in land to be ac-
21 quired by the Secretary or the Secretary of Agriculture
22 under this subsection shall be determined pursuant to sec-
23 tion 206 of the Federal Land Policy and Management Act
24 of 1976 and shall be consistent with other applicable re-
25 quirements and standards. Fair market value shall be de-

1 terminated without regard to the presence of a species listed
2 as threatened or endangered under the Endangered Spe-
3 cies Act of 1973 (16 U.S.C. 1531 et seq.).

4 (d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)
5 of title 31, United States Code, is amended as follows:

6 (1) By striking “or” at the end of subpara-
7 graph (F).

8 (2) By striking the period at the end of sub-
9 paragraph (G) and inserting “; or”.

10 (3) By adding at the end the following:

11 “(H) acquired by the Secretary of the Inte-
12 rior or the Secretary of Agriculture under sec-
13 tion 5 of the Southern Nevada Public Land
14 Management Act of 1997 that is not otherwise
15 described in subparagraphs (A) through (G).”.

16 **SEC. 6. REPORT.**

17 The Secretary, in cooperation with the Secretary of
18 Agriculture, shall submit to the Committee on Energy and
19 Natural Resources of the Senate and the Committee on
20 Resources of the House of Representatives an annual re-
21 port on all transactions under this section.

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

23 (a) TRANSFER OF REVERSIONARY INTEREST.—

24 (1) IN GENERAL.—Upon request by a grantee
25 of lands within Clark County, Nevada, that are sub-

1 ject to a lease or patent issued under the Recreation
2 and Public Purposes Act, the Secretary may transfer
3 the reversionary interest in such lands to other non-
4 Federal lands. The transfer of the reversionary in-
5 terest shall only be made to lands of equal value, ex-
6 cept that with respect to the State of Nevada or a
7 unit of local government an amount equal to the ex-
8 cess (if any) of the fair market value of lands re-
9 ceived by the unit of local government over the fair
10 market value of lands transferred by the unit of
11 local government shall be paid to the Secretary and
12 shall be treated under subsection (e)(1) of this sec-
13 tion as proceeds from the sale of land. For purposes
14 of this subsection, the fair market value of lands to
15 be transferred by the State of Nevada or a unit of
16 local government may be based upon a statement of
17 value prepared by a qualified appraiser.

18 (2) TERMS AND CONDITIONS APPLICABLE TO
19 LANDS ACQUIRED.—Land selected under this sub-
20 section by a grantee described in paragraph (1) shall
21 be subject to the terms and conditions, uses, and
22 acreage limitations of the lease or patent to which
23 the lands transferred by the grantee were subject,
24 including the reverter provisions, under the Recre-
25 ation and Public Purposes Act.

1 (k) AFFORDABLE HOUSING.—The Secretary, in con-
2 sultation with the Secretary of Housing and Urban Devel-
3 opment, may make available, in accordance with section
4 203 of the Federal Land Planning and Management Act
5 of 1976, land in the State of Nevada at less than fair
6 market value and under other such terms and conditions
7 as he may determine for affordable housing purposes.
8 Such lands shall be made available only to State or local
9 governmental entities, including local public housing au-
10 thorities. For the purposes of this subsection, housing
11 shall be considered to be affordable housing if the housing
12 serves low income families as defined under the Cranston-
13 Gonzalez National Affordable Housing Act (42 U.S.C.
14 12701 et. seq.).

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

17 Section 3(a)(2) of the Red Rock Canyon National
18 Conservation Area Establishment Act of 1990 (16 U.S.C.
19 460ccc-1(a)(2)) is amended to read as follows:

20 “(2) The conservation area shall consist of approxi-
21 mately 195,780 acres as generally depicted on the map
22 entitled ‘Red Rock Canyon National Conservation Area

1 Administrative Boundary Modification', dated August 8,
2 1996.'".

Passed the House of Representatives April 23, 1997.

Attest:

ROBIN H. CARLE,

Clerk.

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2^D SESSION

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