

105TH CONGRESS
2D SESSION

H. R. 4656

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1998

Mr. GIBBONS (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition 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 “City of North Las
5 Vegas Public Land Acquisition Act of 1998”.

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 a large parcel adjacent to
3 private land in the City of North Las Vegas, Ne-
4 vada, making this parcel difficult to manage and
5 more appropriate for disposal.

6 (2) In order to promote responsible and orderly
7 development in the City of North Las Vegas, these
8 Federal lands should be sold or exchanged by the
9 Federal Government based on recommendations
10 made by the City of North Las Vegas.

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

18 (b) PURPOSE.—The purpose of this Act is to provide
19 for the orderly disposal of certain Federal lands in the
20 City of North Las Vegas, Nevada, and to provide for the
21 acquisition of environmentally sensitive lands in the State
22 of Nevada.

23 **SEC. 3. DEFINITIONS.**

24 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 the City of North Las Vegas in the State of Nevada.

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

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

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

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

22 **SEC. 4. DISPOSAL AND EXCHANGE.**

23 (a) DISPOSAL.—Notwithstanding the land use plan-
24 ning requirements contained in sections 202 and 203 of
25 the Federal Land Policy and Management Act of 1976

1 (43 U.S.C. 1711 and 1712), the Secretary, in accordance
2 with this Act, the Federal Land Policy and Management
3 Act of 1976, and other applicable law, and subject to valid
4 existing rights is authorized to dispose of lands within the
5 boundary of the area under the jurisdiction of the Director
6 of the Bureau of Land Management in Clark County, Ne-
7 vada, as generally depicted on the map entitled “City of
8 North Las Vegas: Planned Purchase by City from Bureau
9 of Land Management at Appraised Fair Market Value
10 (Approx. 7,500 acres)”, Map #000320, dated December
11 5, 1989. Such map shall be on file and available for public
12 inspection in the offices of the Director and the Las Vegas
13 District of the Bureau of Land Management.

14 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

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

1 with the provisions of the Recreation and Public
2 Purposes Act.

3 (2) RIGHTS-OF-WAY.—

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

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

18 (ii) flood control management.

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

22 (C) WAIVER OF FEES.—Right-of-way
23 grants issued under this paragraph shall not re-
24 quire the payment of rental or cost recovery
25 fees.

1 (c) WITHDRAWAL.—Subject to valid existing rights,
2 all Federal lands identified in subsection (a) for disposal
3 are withdrawn from location and entry under the mining
4 laws and from operation under the mineral leasing and
5 geothermal leasing laws until such time as the Secretary
6 terminates the withdrawal or the lands are patented.

7 (d) 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.—In the case of a land
25 exchange under this section, the non-Federal party

1 shall provide direct payments to the State of Nevada
2 and the Southern Nevada Water Authority in ac-
3 cordance with paragraphs (1)(A) and (B). The pay-
4 ments shall be based on the fair market value of the
5 Federal lands to be conveyed in the exchange and
6 shall be considered a cost incurred by the non-Fed-
7 eral party that shall be compensated by the Sec-
8 retary if so provided by any agreement to initiate ex-
9 change.

10 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

11 (A) IN GENERAL.—Amounts deposited in
12 the special account may be expended by the
13 Secretary for—

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

18 (ii) capital improvements at the Lake
19 Mead National Recreation Area, the
20 Desert National Wildlife Refuge, the Red
21 Rock Canyon National Conservation Area
22 and other areas administered by the Bu-
23 reau of Land Management in Clark Coun-
24 ty, and the Spring Mountains National
25 Recreation Area;

1 (iii) development of a multispecies
2 habitat conservation plan in Clark County,
3 Nevada;

4 (iv) development of parks, trails, and
5 natural areas in Clark County, Nevada,
6 pursuant to a cooperative agreement with
7 a unit of local government; and

8 (v) reimbursement of costs incurred
9 by the local offices of the Bureau of Land
10 Management in arranging sales or ex-
11 changes under this Act.

12 (B) PROCEDURES.—The Secretary shall
13 coordinate the use of the special account with
14 the Secretary of Agriculture, the State of Ne-
15 vada, local governments, and other interested
16 persons, to ensure accountability and dem-
17 onstrated results.

18 (C) LIMITATION.—Not more than 25 per-
19 cent of the amounts available to the Secretary
20 from the special account in any fiscal year (de-
21 termined without taking into account amounts
22 deposited under subsection (g)(4)) may be used
23 in any fiscal year for the purposes described in
24 subparagraph (A)(ii).

1 (e) INVESTMENT OF SPECIAL ACCOUNT.—All funds
2 deposited as principal in the special account shall earn in-
3 terest in the amount determined by the Secretary of the
4 Treasury on the basis of the current average market yield
5 on outstanding marketable obligations of the United
6 States of comparable maturities. Such interest shall be
7 added to the principal of the account and expended ac-
8 cording to the provisions of subsection (e)(3).

9 **SEC. 5. ACQUISITIONS.**

10 (a) ACQUISITIONS.—

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

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

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

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

25 (D) otherwise serve the public interest.

1 (2) IN GENERAL.—After the consultation proc-
2 ess has been completed in accordance with para-
3 graph (3), the Secretary may acquire with proceeds
4 of the special account environmentally sensitive land
5 and interests in environmentally sensitive land.
6 Lands may not be acquired under this section with-
7 out the consent of the owner thereof. Funds made
8 available from the special account may be used with
9 any other funds made available under any other pro-
10 vision of law.

11 (3) CONSULTATION.—Before initiating efforts
12 to acquire land under this subsection, the Secretary
13 or the Secretary of Agriculture shall consult with the
14 State of Nevada and with local government within
15 whose jurisdiction the lands are located, including
16 appropriate planning and regulatory agencies, and
17 with other interested persons, concerning the neces-
18 sity of making the acquisition, the potential impacts
19 on State and local government, and other appro-
20 priate aspects of the acquisition. Consultation under
21 this paragraph is in addition to any other consulta-
22 tion required by law.

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

1 the National Forest System, National Park System, Na-
2 tional Wildlife Refuge System, National Wild and Scenic
3 Rivers System, National Trails System, National Wilder-
4 ness Preservation System, any other system established by
5 Act of Congress, or any national conservation or national
6 recreation area established by Act of Congress—

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

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

13 (c) DETERMINATION OF FAIR MARKET VALUE.—The
14 fair market value of land or an interest in land to be ac-
15 quired by the Secretary or the Secretary of Agriculture
16 under this subsection shall be determined pursuant to sec-
17 tion 206 of the Federal Land Policy and Management Act
18 of 1976 and shall be consistent with other applicable re-
19 quirements and standards. Fair market value shall be de-
20 termined without regard to the presence of a species listed
21 as threatened or endangered under the Endangered Spe-
22 cies Act of 1973 (16 U.S.C. 1531 et seq.).

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

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

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

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

6 “(H) acquired by the Secretary of the Inte-
7 rior or the Secretary of Agriculture under sec-
8 tion 5 of the Southern Nevada Public Land
9 Management Act of 1997 that is not otherwise
10 described in subparagraphs (A) through (G).”.

11 **SEC. 6. REPORT.**

12 The Secretary, in cooperation with the Secretary of
13 Agriculture, shall submit to the Committee on Energy and
14 Natural Resources of the Senate and the Committee on
15 Resources of the House of Representatives an annual re-
16 port on all transactions under this section.

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

18 (a) TRANSFER OF REVERSIONARY INTEREST.—

19 (1) IN GENERAL.—Upon request by a grantee
20 of lands within Clark County, Nevada, that are sub-
21 ject to a lease or patent issued under the Recreation
22 and Public Purposes Act, the Secretary may transfer
23 the reversionary interest in such lands to other non-
24 Federal lands. The transfer of the reversionary in-
25 terest shall only be made to lands of equal value, ex-

1 cept that with respect to the State of Nevada or a
2 unit of local government an amount equal to the ex-
3 cess (if any) of the fair market value of lands re-
4 ceived by the unit of local government over the fair
5 market value of lands received by the unit of local
6 government over the fair market value of lands
7 transferred by the unit of local government shall be
8 paid to the Secretary and shall be treated under
9 subsection (e)(1) of this section as proceeds from the
10 sale of land. For purposes of this subsection, the fair
11 market value of lands to be transferred by the State
12 of Nevada or a unit of local government may be
13 based upon a statement of value prepared by a
14 qualified appraiser.

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

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