

108TH CONGRESS
2D SESSION

S. 2532

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2004

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

A BILL

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, 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 “Lincoln County Con-
5 servation, Recreation, and Development Act of 2004”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 101. Definitions.
 Sec. 102. Conveyance of Lincoln County land.
 Sec. 103. Disposition of proceeds.

TITLE II—WILDERNESS AREAS

- Sec. 201. Findings.
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TITLE III—UTILITY CORRIDORS

- Sec. 301. Utility corridor and rights-of-way.
 Sec. 302. Relocation of right-of-way and utility corridors located in Clark and Lincoln Counties in the State of Nevada.

TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

- Sec. 401. Silver State off-highway vehicle trail.

TITLE V—OPEN SPACE PARKS

- Sec. 501. Open space park conveyance to Lincoln County, Nevada.
 Sec. 502. Open space park conveyance to the State of Nevada.

TITLE VI—JURISDICTION TRANSFER

- Sec. 601. Transfer of administrative jurisdiction between the fish and wildlife service and the bureau of land management.

1 **TITLE I—LAND DISPOSAL**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) COUNTY.—The term “County” means Lin-
 5 coln County, Nevada.

6 (2) MAP.—The term “map” means the map en-
 7 titled “Lincoln County Conservation, Recreation,
 8 and Development Act Map” and dated June 14,
 9 2004.

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

3 (4) SPECIAL ACCOUNT.—The term “special ac-
4 count” means the special account established under
5 section 104(b)(3).

6 **SEC. 102. CONVEYANCE OF LINCOLN COUNTY LAND.**

7 (a) IN GENERAL.—Notwithstanding sections 202 and
8 203 of the Federal Land Policy and Management Act of
9 1976 (43 U.S.C. 1711, 1712), the Secretary, in coopera-
10 tion with the County, in accordance with that Act, this
11 title, and other applicable law and subject to valid existing
12 rights, shall conduct sales of the land described in sub-
13 section (b) to qualified bidders.

14 (b) DESCRIPTION OF LAND.—The land referred to in
15 subsection (a) consists of—

16 (1) the land identified on the map for disposal
17 within 75 days, comprising 2 parcels totaling ap-
18 proximately 13,373 acres; and

19 (2) the land identified on the map for annual
20 disposal, comprising approximately 87,005 acres.

21 (c) AVAILABILITY.—Each map and legal description
22 shall be on file and available for public inspection in (as
23 appropriate)—

24 (1) the Office of the Director of the Bureau of
25 Land Management;

1 (2) the Office of the State Director of the Bu-
2 reau of Land Management;

3 (3) the Ely District Office of the Bureau of
4 Land Management; and

5 (4) the Caliente Field Office of the Bureau of
6 Land Management.

7 (d) JOINT SELECTION REQUIRED.—The Secretary
8 and the County shall jointly select which parcels of land
9 described in subsection (b)(2) to offer for sale under sub-
10 section (a).

11 (e) COMPLIANCE WITH LOCAL PLANNING AND ZON-
12 ING LAWS.—Before a sale of land under subsection (a),
13 the County shall submit to the Secretary a certification
14 that qualified bidders have agreed to comply with—

15 (1) County and city zoning ordinances; and

16 (2) any master plan for the area approved by
17 the County.

18 (f) METHOD OF SALE; CONSIDERATION.—The sale of
19 land under subsection (a) shall be—

20 (1) through a competitive bidding process; and

21 (2) for not less than fair market value.

22 (g) SEGREGATION.—

23 (1) IN GENERAL.—Subject to valid existing
24 rights and except as provided in paragraph (2), the

1 land described in subsection (b) is segregated
2 from—

3 (A) all forms of entry and appropriation
4 under the public land laws, including the min-
5 ing laws; and

6 (B) operation of the mineral leasing and
7 geothermal leasing laws.

8 (2) EXCEPTION.—Paragraph (1)(A) shall not
9 apply to a competitive sale or an election by the
10 County to obtain the land described in subsection
11 (b) for public purposes under the Act of June 14,
12 1926 (43 U.S.C. 869 et seq; commonly known as the
13 “Recreation and Public Purposes Act”).

14 (h) DEADLINE FOR SALE.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the Secretary shall—

17 (A) notwithstanding the Lincoln County
18 Land Act of 2000 (114 Stat. 1046), not later
19 than 75 days after the date of the enactment of
20 this title, convey the land described in sub-
21 section (b)(1) if there is a qualified bidder for
22 such land; and

23 (B) not later than 1 year after the date of
24 the enactment of this title, and annually there-

1 after until the land is disposed of, convey the
 2 land described in subsection (b)(2).

3 (2) POSTPONEMENT; EXCLUSION FROM SALE.—

4 (A) REQUEST BY COUNTY FOR POSTPONE-
 5 MENT OR EXCLUSION.—

6 (i) IN GENERAL.—At the request of
 7 the County, the Secretary shall postpone or
 8 exclude from the sale all or a portion of
 9 the land described in subsection (b)(2).

10 (ii) INDEFINITE POSTPONEMENT.—
 11 Unless specifically requested by the Coun-
 12 ty, a postponement under clause (i) shall
 13 not be indefinite.

14 (B) EXCLUSION BY SECRETARY.—Notwith-
 15 standing paragraph (1), the Secretary may ex-
 16 clude from sale not more than 10,000 acres of
 17 the land described in subsection (b)(2) if the
 18 Secretary determines that such sale is incon-
 19 sistent with the protection of habitat and cul-
 20 tural resources.

21 **SEC. 103. DISPOSITION OF PROCEEDS.**

22 (a) INITIAL LAND SALE.—Section 5 of the Lincoln
 23 County Land Act of 2000 (114 Stat. 1047) shall apply
 24 to the disposition of the gross proceeds from the sale of
 25 land described in section 103(b)(1).

1 (b) SUBSEQUENT LAND SALES.—Of the gross pro-
2 ceeds of the sale of the land described in section
3 103(b)(2)—

4 (1) 5 percent shall be paid directly to the State
5 for use in the general education program of the
6 State;

7 (2) 45 percent shall be paid to the County for
8 use for economic development in the County, includ-
9 ing County parks, trails, and natural areas; and

10 (3) the remainder shall be deposited in a special
11 account in the Treasury of the United States and
12 shall be available without further appropriation to
13 the Secretary until expended for—

14 (A) the inventory, evaluation, protection,
15 and management of unique archaeological re-
16 sources (as defined in section 3 of the Archae-
17 ological Resources Protection Act of 1979 (16
18 U.S.C. 470bb)) of the County;

19 (B) the development of a multispecies
20 habitat conservation plan for the County; and

21 (C) the reimbursement of costs incurred by
22 the Nevada State Office and the Ely Field Of-
23 fice of the Bureau of Land Management for—

1 (i) preparing for the sale of land
2 under section 103(a), including the costs
3 of—

4 (I) conducting any land boundary
5 surveys;

6 (II) complying with the National
7 Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.);

9 (III) conducting any appraisals;

10 (IV) obtaining environmental and
11 cultural clearances; and

12 (V) providing public notice of the
13 sale;

14 (ii) processing public land use author-
15 izations and rights-of-way relating to the
16 development of the land conveyed under
17 section 103(a);

18 (iii) processing the Silver State OHV
19 trail and implementing the management
20 plan required by section 401(c)(3) of this
21 Act; and

22 (iv) processing wilderness designa-
23 tions, including the costs of appropriate
24 fencing, signage, public education, and en-

1 forcement for the wilderness areas des-
2 ignated.

3 (c) INVESTMENT OF SPECIAL ACCOUNT.—Any
4 amounts deposited in the special account shall earn inter-
5 est in an amount determined by the Secretary of the
6 Treasury on the basis of the current average market yield
7 on outstanding marketable obligations of the United
8 States of comparable maturities.

9 **TITLE II—WILDERNESS AREAS**

10 **SEC. 201. FINDINGS.**

11 Congress finds that—

12 (1) public land in the County contains unique
13 and spectacular natural resources, including—

14 (A) priceless habitat for numerous species
15 of plants and wildlife; and

16 (B) thousands of acres of land that remain
17 in a natural state; and

18 (2) continued preservation of those areas would
19 benefit the County and all of the United States by—

20 (A) ensuring the conservation of eco-
21 logically diverse habitat;

22 (B) protecting prehistoric cultural re-
23 sources;

24 (C) conserving primitive recreational re-
25 sources; and

1 (D) protecting air and water quality.

2 **SEC. 202. DEFINITIONS.**

3 In this title:

4 (1) COUNTY.—The term “County” means Lin-
5 coln County, Nevada.

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (3) STATE.—The term “State” means the State
9 of Nevada.

10 **SEC. 203. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
11 **VATION SYSTEM.**

12 (a) ADDITIONS.—The following land in the State is
13 designated as wilderness and as components of the Na-
14 tional Wilderness Preservation System:

15 (1) MORMON MOUNTAINS WILDERNESS.—Cer-
16 tain Federal land managed by the Bureau of Land
17 Management, comprising approximately 153,939
18 acres, as generally depicted on the map entitled
19 “Southern Lincoln County Wilderness Map”, dated
20 June 1, 2004, which shall be known as the “Mor-
21 mon Mountains Wilderness”.

22 (2) MEADOW VALLEY RANGE WILDERNESS.—
23 Certain Federal land managed by the Bureau of
24 Land Management, comprising approximately
25 124,833 acres, as generally depicted on the map en-

1 titled “Southern Lincoln County Wilderness Map”,
2 dated June 1, 2004, which shall be known as the
3 “Meadow Valley Range Wilderness”.

4 (3) DELAMAR MOUNTAINS WILDERNESS.—Cer-
5 tain Federal land managed by the Bureau of Land
6 Management, comprising approximately 111,389
7 acres, as generally depicted on the map entitled
8 “Southern Lincoln County Wilderness Map”, dated
9 June 1, 2004, which shall be known as the
10 “Delamar Mountains Wilderness”.

11 (4) CLOVER MOUNTAINS WILDERNESS.—Cer-
12 tain Federal land managed by the Bureau of Land
13 Management, comprising approximately 85,757
14 acres, as generally depicted on the map entitled
15 “Southern Lincoln County Wilderness Map”, dated
16 June 1, 2004, which shall be known as the “Clover
17 Mountains Wilderness”.

18 (5) SOUTH PAHROC WILDERNESS.—Certain
19 Federal land managed by the Bureau of Land Man-
20 agement, comprising approximately 25,638 acres, as
21 generally depicted on the map entitled “Western
22 Lincoln County Wilderness Map”, dated June 1,
23 2004, which shall be known as the “South Pahroc
24 Wilderness”.

1 (6) WORTHINGTON MOUNTAINS WILDERNESS.—
2 Certain Federal land managed by the Bureau of
3 Land Management, comprising approximately
4 30,936 acres, as generally depicted on the map enti-
5 tled “Western Lincoln County Wilderness Map”,
6 dated June 1, 2004, which shall be known as the
7 “Worthington Mountains Wilderness”.

8 (7) WEEPAH SPRING WILDERNESS.—Certain
9 Federal land managed by the Bureau of Land Man-
10 agement, comprising approximately 51,117 acres, as
11 generally depicted on the map entitled “Western
12 Lincoln County Wilderness Map”, dated June 1,
13 2004, which shall be known as the “Weepah Spring
14 Wilderness”.

15 (8) PARSNIP PEAK WILDERNESS.—Certain Fed-
16 eral land managed by the Bureau of Land Manage-
17 ment, comprising approximately 45,837 acres, as
18 generally depicted on the map entitled “Northern
19 Lincoln County Wilderness Map”, dated June 1,
20 2004, which shall be known as the “Parsnip Peak
21 Wilderness”.

22 (9) WHITE ROCK RANGE WILDERNESS.—Cer-
23 tain Federal land managed by the Bureau of Land
24 Management, comprising approximately 24,413
25 acres, as generally depicted on the map entitled

1 “Northern Lincoln County Wilderness Map”, dated
2 June 1, 2004, which shall be known as the “White
3 Rock Range Wilderness”.

4 (10) FORTIFICATION RANGE WILDERNESS.—
5 Certain Federal land managed by the Bureau of
6 Land Management, comprising approximately
7 28,837 acres, as generally depicted on the map enti-
8 tled “Northern Lincoln County Wilderness Map”,
9 dated June 1, 2004, which shall be known as the
10 “Fortification Range Wilderness”.

11 (11) FAR SOUTH EGANS WILDERNESS.—Certain
12 Federal land managed by the Bureau of Land Man-
13 agement, comprising approximately 36,384 acres, as
14 generally depicted on the map entitled “Northern
15 Lincoln County Wilderness Map”, dated June 1,
16 2004, which shall be known as the “Far South
17 Egans Wilderness”.

18 (12) TUNNEL SPRING WILDERNESS.—Certain
19 Federal land managed by the Bureau of Land Man-
20 agement, comprising approximately 5,530 acres, as
21 generally depicted on the map entitled “Southern
22 Lincoln County Wilderness Map”, dated June 1,
23 2004, which shall be known as the “Tunnel Spring
24 Wilderness”.

1 (13) BIG ROCK WILDERNESS.—Certain Federal
2 land managed by the Bureau of Land Management,
3 comprising approximately 13,913 acres, as generally
4 depicted on the map entitled “Western Lincoln
5 County Wilderness Map”, dated June 1, 2004,
6 which shall be known as the “Big Rock Wilderness”.

7 (14) MT. IRISH WILDERNESS.—Certain Federal
8 land managed by the Bureau of Land Management,
9 comprising approximately 31,088 acres, as generally
10 depicted on the map entitled “Western Lincoln
11 County Wilderness Map”, dated June 1, 2004,
12 which shall be known as the “Mt. Irish Wilderness”.

13 (b) BOUNDARY.—The boundary of any portion of a
14 wilderness area designated by subsection (a) that is bor-
15 dered by a road shall be at least 100 feet from the edge
16 of the road to allow public access.

17 (c) MAP AND LEGAL DESCRIPTION.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this title, the Secretary
20 shall file a map and legal description of each wilder-
21 ness area designated by subsection (a) with the
22 Committee on Resources of the House of Represent-
23 atives and the Committee on Energy and Natural
24 Resources of the Senate.

1 (2) EFFECT.—Each map and legal description
2 shall have the same force and effect as if included
3 in this section, except that the Secretary may correct
4 clerical and typographical errors in the map or legal
5 description.

6 (3) AVAILABILITY.—Each map and legal de-
7 scription shall be on file and available for public in-
8 spection in (as appropriate)—

9 (A) the Office of the Director of the Bu-
10 reau of Land Management;

11 (B) the Office of the State Director of the
12 Bureau of Land Management;

13 (C) the Ely District Office of the Bureau
14 of Land Management; and

15 (D) the Caliente Field Office of the Bu-
16 reau of Land Management.

17 (d) WITHDRAWAL.—Subject to valid existing rights,
18 the wilderness areas designated by subsection (a) are with-
19 drawn from—

20 (1) all forms of entry, appropriation, and dis-
21 posal under the public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) operation of the mineral leasing, mineral
25 materials, and geothermal leasing laws.

1 **SEC. 204. ADMINISTRATION.**

2 (a) **MANAGEMENT.**—Subject to valid existing rights,
3 each area designated as wilderness by this title shall be
4 administered by the Secretary in accordance with the Wil-
5 derness Act (16 U.S.C. 1131 et seq.), except that—

6 (1) any reference in that Act to the effective
7 date shall be considered to be a reference to the date
8 of the enactment of this title; and

9 (2) any reference in that Act to the Secretary
10 of Agriculture shall be considered to be a reference
11 to the Secretary of the Interior.

12 (b) **LIVESTOCK.**—Within the wilderness areas des-
13 igned under this title that are administered by the Bu-
14 reau of Land Management, the grazing of livestock in
15 areas in which grazing is established as of the date of en-
16 actment of this title shall be allowed to continue, subject
17 to such reasonable regulations, policies, and practices that
18 the Secretary considers necessary, consistent with section
19 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in-
20 cluding the guidelines set forth in Appendix A of House
21 Report 101–405.

22 (c) **INCORPORATION OF ACQUIRED LAND AND INTER-**
23 **ESTS.**—Any land or interest in land within the boundaries
24 of an area designated as wilderness by this title that is
25 acquired by the United States after the date of the enact-
26 ment of this title shall be added to and administered as

1 part of the wilderness area within which the acquired land
2 or interest is located.

3 (d) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the land designated as Wilderness by
6 this title is within the Northern Mojave Desert,
7 is arid in nature, and includes ephemeral
8 streams;

9 (B) the hydrology of the land designated
10 as wilderness by this title is predominantly
11 characterized by complex flow patterns and al-
12 luvial fans with impermanent channels;

13 (C) the subsurface hydrogeology of the re-
14 gion is characterized by ground water subject to
15 local and regional flow gradients and
16 unconfined and artesian conditions;

17 (D) the land designated as wilderness by
18 this title is generally not suitable for use or de-
19 velopment of new water resource facilities; and

20 (E) because of the unique nature and hy-
21 drology of the desert land designated as wilder-
22 ness by this title, it is possible to provide for
23 proper management and protection of the wil-
24 derness and other values of lands in ways dif-
25 ferent from those used in other legislation.

1 (2) STATUTORY CONSTRUCTION.—Nothing in
2 this title—

3 (A) shall constitute or be construed to con-
4 stitute either an express or implied reservation
5 by the United States of any water or water
6 rights with respect to the land designated as
7 wilderness by this title;

8 (B) shall affect any water rights in the
9 State existing on the date of the enactment of
10 this title, including any water rights held by the
11 United States;

12 (C) shall be construed as establishing a
13 precedent with regard to any future wilderness
14 designations;

15 (D) shall affect the interpretation of, or
16 any designation made pursuant to, any other
17 Act; or

18 (E) shall be construed as limiting, altering,
19 modifying, or amending any of the interstate
20 compacts or equitable apportionment decrees
21 that apportion water among and between the
22 State and other States.

23 (3) NEVADA WATER LAW.—The Secretary shall
24 follow the procedural and substantive requirements
25 of the law of the State in order to obtain and hold

1 any water rights not in existence on the date of en-
2 actment of this title with respect to the wilderness
3 areas designated by this title.

4 (4) NEW PROJECTS.—

5 (A) WATER RESOURCE FACILITY.—As
6 used in this paragraph, the term “water re-
7 source facility”—

8 (i) means irrigation and pumping fa-
9 cilities, reservoirs, water conservation
10 works, aqueducts, canals, ditches, pipe-
11 lines, wells, hydropower projects, and
12 transmission and other ancillary facilities,
13 and other water diversion, storage, and
14 carriage structures; and

15 (ii) does not include wildlife guzzlers.

16 (B) RESTRICTION ON NEW WATER RE-
17 SOURCE FACILITIES.—Except as otherwise pro-
18 vided in this Act, on and after the date of the
19 enactment of this Act, neither the President nor
20 any other officer, employee, or agent of the
21 United States shall fund, assist, authorize, or
22 issue a license or permit for the development of
23 any new water resource facility within the wil-
24 derness areas designated by this Act.

1 **SEC. 205. ADJACENT MANAGEMENT.**

2 (a) IN GENERAL.—Congress does not intend for the
3 designation of wilderness in the State pursuant to this
4 title to lead to the creation of protective perimeters or
5 buffer zones around any such wilderness area.

6 (b) NONWILDERNESS ACTIVITIES.—The fact that
7 nonwilderness activities or uses can be seen or heard from
8 areas within a wilderness designated under this title shall
9 not preclude the conduct of those activities or uses outside
10 the boundary of the wilderness area.

11 **SEC. 206. MILITARY OVERFLIGHTS.**

12 Nothing in this title restricts or precludes—

13 (1) low-level overflights of military aircraft over
14 the areas designated as wilderness by this title, in-
15 cluding military overflights that can be seen or
16 heard within the wilderness areas;

17 (2) flight testing and evaluation; or

18 (3) the designation or creation of new units of
19 special use airspace, or the establishment of military
20 flight training routes, over the wilderness areas.

21 **SEC. 207. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
22 **USES.**

23 Nothing in this title shall be construed to diminish
24 the rights of any Indian tribe. Nothing in this title shall
25 be construed to diminish tribal rights regarding access to

1 Federal land for tribal activities, including spiritual, cul-
2 tural, and traditional food-gathering activities.

3 **SEC. 208. RELEASE OF WILDERNESS STUDY AREAS.**

4 (a) FINDING.—Congress finds that, for the purposes
5 of section 603 of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1782), the public land in
7 the County administered by the Bureau of Land Manage-
8 ment in the following areas has been adequately studied
9 for wilderness designation:

10 (1) The Table Mountain Wilderness Study
11 Area.

12 (2) Evergreen A, B, and C Wilderness Study
13 Areas.

14 (3) Any portion of the wilderness study areas—

15 (A) not designated as wilderness by section
16 204(a); and

17 (B) depicted as released on—

18 (i) the map entitled “Northern Lin-
19 coln County Wilderness Map” and dated
20 February 10, 2004;

21 (ii) the map entitled “Southern Lin-
22 coln County Wilderness Map” and dated
23 February 10, 2004; or

1 (iii) the map entitled “Western Lin-
2 coln County Wilderness Map” and dated
3 June 1, 2004.

4 (b) RELEASE.—Any public land described in sub-
5 section (a) that is not designated as wilderness by this
6 title—

7 (1) is no longer subject to section 603(c) of the
8 Federal Land Policy and Management Act of 1976
9 (43 U.S.C. 1782(c));

10 (2) shall be managed in accordance with—

11 (A) land management plans adopted under
12 section 202 of that Act (43 U.S.C. 1712); and

13 (B) existing cooperative conservation
14 agreements; and

15 (3) shall be subject to the Endangered Species
16 Act of 1973 (16 U.S.C. 1531 et seq.).

17 **SEC. 209. WILDLIFE MANAGEMENT.**

18 (a) IN GENERAL.—In accordance with section
19 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
20 nothing in this title affects or diminishes the jurisdiction
21 of the State with respect to fish and wildlife management,
22 including the regulation of hunting, fishing, and trapping,
23 in the wilderness areas designated by this title.

24 (b) MANAGEMENT ACTIVITIES.—In furtherance of
25 the purposes and principles of the Wilderness Act, man-

1 agement activities to maintain or restore fish and wildlife
2 populations and the habitats to support such populations
3 may be carried out within wilderness areas designated by
4 this title where consistent with relevant wilderness man-
5 agement plans, in accordance with appropriate policies
6 such as those set forth in Appendix B of House Report
7 101–405, including the occasional and temporary use of
8 motorized vehicles, if such use, as determined by the Sec-
9 retary, would promote healthy, viable, and more naturally
10 distributed wildlife populations that would enhance wilder-
11 ness values and accomplish those purposes with the min-
12 imum impact necessary to reasonably accomplish the task.

13 (c) EXISTING ACTIVITIES.—Consistent with section
14 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
15 in accordance with appropriate policies such as those set
16 forth in Appendix B of House Report 101–405, the State
17 may continue to use aircraft, including helicopters, to sur-
18 vey, capture, transplant, monitor, and provide water for
19 wildlife populations, including bighorn sheep, and feral
20 stock, horses, and burros.

21 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—
22 Subject to subsection (f), the Secretary shall authorize
23 structures and facilities, including existing structures and
24 facilities, for wildlife water development projects, including

1 guzzlers, in the wilderness areas designated by this Act
2 if—

3 (1) the structures and facilities will, as deter-
4 mined by the Secretary, enhance wilderness values
5 by promoting healthy, viable, and more naturally
6 distributed wildlife populations; and

7 (2) the visual impacts of the structures and fa-
8 cilities on the wilderness areas can reasonably be
9 minimized.

10 (e) HUNTING, FISHING, AND TRAPPING.—In con-
11 sultation with the appropriate State agency (except in
12 emergencies), the Secretary may designate by regulation
13 areas in which, and establish periods during which, for
14 reasons of public safety, administration, or compliance
15 with applicable laws, no hunting, fishing, or trapping will
16 be permitted in the wilderness areas designated by this
17 Act.

18 (f) COOPERATIVE AGREEMENT.—The terms and con-
19 ditions under which the State, including a designee of the
20 State, may conduct wildlife management activities in the
21 wilderness areas designated by this title are specified in
22 the cooperative agreement between the Secretary and the
23 State, entitled “Memorandum of Understanding between
24 the Bureau of Land Management and the Nevada Depart-
25 ment of Wildlife Supplement No. 9,” and signed Novem-

1 ber and December 2003, including any amendments to
2 that document agreed upon by the Secretary and the State
3 and subject to all applicable laws and regulations. Any ref-
4 erences to Clark County in that document shall also be
5 deemed to be referred to and shall apply to Lincoln Coun-
6 ty, Nevada.

7 **SEC. 210. WILDFIRE MANAGEMENT.**

8 Consistent with section 4 of the Wilderness Act (16
9 U.S.C. 1133), nothing in this title precludes a Federal,
10 State, or local agency from conducting wildfire manage-
11 ment operations (including operations using aircraft or
12 mechanized equipment) to manage wildfires in the wilder-
13 ness areas designated by this title.

14 **SEC. 211. CLIMATOLOGICAL DATA COLLECTION.**

15 Subject to such terms and conditions as the Secretary
16 may prescribe, nothing in this title precludes the installa-
17 tion and maintenance of hydrologic, meteorologic, or cli-
18 matological collection devices in the wilderness areas des-
19 ignated by this title if the facilities and access to the facili-
20 ties are essential to flood warning, flood control, and water
21 reservoir operation activities.

22 **TITLE III—UTILITY CORRIDORS**

23 **SEC. 301. UTILITY CORRIDOR AND RIGHTS-OF-WAY.**

24 (a) UTILITY CORRIDOR.—

1 (1) IN GENERAL.—Notwithstanding sections
2 202 and 503 of the Federal Land Policy and Man-
3 agement Act of 1976 (43 U.S.C. 1711, 1763), the
4 Secretary of the Interior (referred to in this section
5 as the “Secretary”) shall establish a 2,640-foot wide
6 corridor for utilities in Lincoln County and Clark
7 County, Nevada, as depicted on the map entitled
8 “Lincoln County Conservation, Recreation, and De-
9 velopment Act”, and dated June 14, 2004.

10 (2) AVAILABILITY.—Each map and legal de-
11 scription shall be on file and available for public in-
12 spection in (as appropriate)—

13 (A) the Office of the Director of the Bu-
14 reau of Land Management;

15 (B) the Office of the State Director of the
16 Bureau of Land Management;

17 (C) the Ely District Office of the Bureau
18 of Land Management; and

19 (D) the Caliente Field Office of the Bu-
20 reau of Land Management.

21 (b) RIGHTS-OF-WAY.—

22 (1) IN GENERAL.—Notwithstanding sections
23 202 and 503 of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1711, 1763), the
25 Secretary shall grant to the Southern Nevada Water

1 Authority and the Lincoln County Water District
2 rights-of-way to Federal land in Lincoln County and
3 Clark County, Nevada, for any roads, wells, well
4 fields, pipes, pipelines, pump stations, storage facili-
5 ties, or other facilities and systems that are necessary
6 for the construction and operation of a water convey-
7 ance system, as depicted on the map.

8 (2) APPLICABLE LAW.—A right-of-way granted
9 under paragraph (1) shall be managed in accordance
10 with section 4 of the Southern Nevada Public Land
11 Management Act of 1998 (112 Stat. 2344).

12 (3) COMPLIANCE WITH NEPA.—Before granting
13 a right-of-way under paragraph (1), the Secretary
14 shall comply with the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.), including the
16 identification and consideration of potential impacts
17 to fish and wildlife resources and habitat.

18 (c) WITHDRAWAL.—Subject to valid existing rights,
19 the utility corridors designated by subsection (a) are with-
20 drawn from—

21 (1) all forms of entry, appropriation, and dis-
22 posal under the public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 (d) STATE WATER LAW.—Nothing in this title
4 shall—

5 (1) prejudice the decisions or abrogate the ju-
6 risdiction of the Nevada State Engineer with respect
7 to the appropriation, permitting, certification, or ad-
8 judication of water rights;

9 (2) preempt Nevada State water law; or

10 (3) limit or supersede existing water rights or
11 interest in water rights under Nevada State law.

12 (e) WATER RESOURCES STUDY.—

13 (1) IN GENERAL.—The Secretary, acting
14 through the United States Geological Survey and the
15 Desert Research Institute, shall conduct a study to
16 investigate ground water quantity, quality, and flow
17 characteristics in the deep carbonate and alluvial
18 aquifers of White Pine County, Nevada. The study
19 shall—

20 (A) include new and review of existing
21 data;

22 (B) determine the volume of water stored
23 in aquifers in those areas;

24 (C) determine the discharge and recharge
25 characteristics of each aquifer system;

1 (D) determine the hydrogeologic and other
 2 controls that govern the discharge and recharge
 3 of each aquifer system; and

4 (E) develop maps at a consistent scale de-
 5 picting aquifer systems and the recharge and
 6 discharge areas of such systems.

7 (2) TIMING; AVAILABILITY.—The Secretary
 8 shall complete a draft of the water resources report
 9 required under paragraph (1) not later than 30
 10 months after the date of the enactment of this Act.
 11 The Secretary shall then make the draft report
 12 available for public comment for a period of not less
 13 than 60 days. The final report shall be submitted to
 14 the Committee on Resources in the House of Rep-
 15 resentatives and the Committee on Energy and Nat-
 16 ural Resources in the Senate and made available to
 17 the public not later than 36 months after the date
 18 of the enactment of this Act.

19 **SEC. 302. RELOCATION OF RIGHT-OF-WAY AND UTILITY**
 20 **CORRIDORS LOCATED IN CLARK AND LIN-**
 21 **COLN COUNTIES IN THE STATE OF NEVADA.**

22 (a) DEFINITIONS.—In this section:

23 (1) AGREEMENT.—The term “Agreement”
 24 means the land exchange agreement between

1 Aerojet-General Corporation and the United States,
2 dated July 14, 1988.

3 (2) CORRIDOR.—The term “corridor” means—

4 (A) the right-of-way corridor that is—

5 (i) identified in section 5(b)(1) of the
6 Nevada-Florida Land Exchange Authoriza-
7 tion Act of 1988 (102 Stat. 55); and

8 (ii) described in section 14(a) of the
9 Agreement;

10 (B) such portion of the utility corridor
11 identified in the 1988 Las Vegas Resource
12 Management Plan located south of the bound-
13 ary of the corridor described in subparagraph
14 (A) as is necessary to relocate the right-of-way
15 corridor to the area described in subsection
16 (c)(2); and

17 (C) such portion of the utility corridor
18 identified in the 2000 Caliente Management
19 Framework Plan Amendment located north of
20 the boundary of the corridor described in sub-
21 paragraph (A) as is necessary to relocate the
22 right-of-way corridor to the area described in
23 subsection (c)(2).

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (b) RELINQUISHMENT AND FAIR MARKET VALUE.—

2 (1) IN GENERAL.—The Secretary shall, in ac-
3 cordance with this section, relinquish all right, title,
4 and interest of the United States in and to the cor-
5 ridor on receipt of a payment in an amount equal
6 to the fair market value of the corridor (plus any
7 costs relating to the right-of-way relocation de-
8 scribed in this title).

9 (2) FAIR MARKET VALUE.—The fair market
10 value of the corridor shall be determined based on
11 the amount of the discount described in the Agree-
12 ment that was applied to the land underlying the
13 corridor, as adjusted for inflation in accordance with
14 the Consumer Price Index for the West Urban area
15 as of the date of enactment of this title.

16 (c) RELOCATION.—

17 (1) IN GENERAL.—The Secretary shall relocate
18 to the area described in paragraph (2), the portion
19 of IDI-26446 and UTU-73363 identified as NVN-
20 49781 that is located in the corridor relinquished
21 under subsection (b)(1).

22 (2) DESCRIPTION OF AREA.—The area referred
23 to in paragraph (1) consists of an area—

24 (A) 1,000 feet wide; and

1 (B) located west of and parallel to the cen-
2 terline of United States Route 93.

3 (3) REQUIREMENTS.—The relocation under
4 paragraph (1) shall be conducted in a manner
5 that—

6 (A) minimizes engineering design changes;
7 and

8 (B) maintains a gradual and smooth inter-
9 connection of the corridor with the area de-
10 scribed in paragraph (2).

11 (4) AUTHORIZED USES.—The Secretary may
12 authorize the location of any above ground or under-
13 ground utility facility, transmission lines, gas pipe-
14 lines, natural gas pipelines, fiber optics, tele-
15 communications, water lines, wells (including moni-
16 toring wells), cable television, and any related appur-
17 tenances in the area described in paragraph (1).

18 (d) EFFECT.—The relocation of the corridor under
19 subsection (c) shall not require the Secretary to—

20 (1) update the 1998 Las Vegas Valley Resource
21 Management Plan or the 2000 Caliente Management
22 Framework Plan Amendment; or

23 (2) undertake any further environmental assess-
24 ment work before the relocation of the corridor.

1 (e) WAIVER OF CERTAIN REQUIREMENTS.—The Sec-
 2 retary shall waive the requirements of the Federal Land
 3 Policy and Management Act of 1976 (43 U.S.C. 1701 et
 4 seq.) that would otherwise be applicable to the holders of
 5 the right-of-way corridor described in subsection (a)(2)(A)
 6 with respect to an amendment to the legal description of
 7 the right-of-way corridor.

8 **TITLE IV—SILVER STATE OFF-**
 9 **HIGHWAY VEHICLE TRAIL**

10 **SEC. 401. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.**

11 (a) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means
 13 the Secretary of the Interior.

14 (2) MAP.—The term “Map” means the map en-
 15 titled “Lincoln County Conservation, Recreation and
 16 Development Act Map” and dated June 14, 2004.

17 (3) TRAIL.—The term “Trail” means the sys-
 18 tem of trails designated in subsection (b) as the Sil-
 19 ver State Off-Highway Vehicle Trail.

20 (b) DESIGNATION.—The trails that are depicted on
 21 the Map are hereby designated as the “Silver State Off-
 22 Highway Vehicle Trail”.

23 (c) MANAGEMENT.—

24 (1) IN GENERAL.—The Secretary shall manage
 25 the Trail in a manner that—

1 (A) is consistent with motorized and
2 mechanized use of the Trail that is authorized
3 on the date of the enactment of this title pursu-
4 ant to applicable Federal and State laws and
5 regulations;

6 (B) ensures the safety of the people who
7 use the Trail; and

8 (C) does not damage sensitive habitat or
9 cultural resources.

10 (2) MANAGEMENT PLAN.—

11 (A) IN GENERAL.—Not later than 2 years
12 after the date of the enactment of this title, the
13 Secretary, in consultation with the State, the
14 County, and any other interested persons, shall
15 complete a management plan for the Trail.

16 (B) COMPONENTS.—The management plan
17 shall—

18 (i) describe the appropriate uses and
19 management of the Trail;

20 (ii) authorize the use of motorized and
21 mechanized vehicles on the Trail; and

22 (iii) describe monitoring and enforce-
23 ment actions carried out to minimize envi-
24 ronmental impacts and prevent damage to

1 cultural resources from the use of the
2 Trail.

3 (3) CLOSURES.—

4 (A) IN GENERAL.—The Secretary, in con-
5 sultation with the State and the County, may
6 temporarily close a portion of the Trail if the
7 Secretary determines that—

8 (i) the Trail is having an adverse im-
9 pact on—

10 (I) natural resources; or

11 (II) cultural resources;

12 (ii) the Trail threatens public safety;

13 (iii) closure of the Trail is necessary
14 to repair damage to the Trail; or

15 (iv) closure of the Trail is necessary
16 to repair resource damage.

17 (B) NOTICE.—The Secretary shall provide
18 information to the public regarding any routes
19 on the Trail that are closed under subpara-
20 graph (A), including by providing appropriate
21 signage along the Trail.

22 (4) NOTICE OF OPEN ROUTES.—The Secretary
23 shall ensure that visitors to the Trail have access to
24 adequate notice regarding the routes on the Trail
25 that are open through use of appropriate signage

1 along the Trail and other information considered ap-
 2 propriate by the Secretary.

3 (d) NO EFFECT ON NON-FEDERAL LAND AND IN-
 4 TERESTS IN LAND.—Nothing in this section shall be con-
 5 strued to affect ownership, management, or other rights
 6 related to non-Federal land or interests in land.

7 (e) MAP ON FILE.—The Map shall be kept on file
 8 at the appropriate offices of the Secretary.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated such sums as are nec-
 11 essary to carry out this section.

12 **TITLE V—OPEN SPACE PARKS**

13 **SEC. 501. OPEN SPACE PARK CONVEYANCE TO LINCOLN** 14 **COUNTY, NEVADA.**

15 (a) CONVEYANCE.—Notwithstanding section 202 and
 16 203 of the Federal Land Policy and Management Act of
 17 1976 (43 U.S.C. 1171, 1712), the Secretary may convey
 18 to the County, subject to valid existing rights, for no con-
 19 sideration, all right title, and interest of the United States
 20 in and to the parcels of land described in subsection (b).

21 (b) DESCRIPTION OF LAND.—The parcels of land re-
 22 ferred to in subsection (a) are the parcels of land depicted
 23 as “Lincoln County Parks Proposal” on the map entitled
 24 “Lincoln County Conservation, Recreation, and Develop-
 25 ment Act Map” and dated June 1, 2004.

1 (c) COSTS.—Any costs relating to any conveyance
2 under subsection (a), including costs for surveys and other
3 administrative costs, shall be paid by the County, or in
4 accordance with section 104(b)(2) of this Act.

5 (d) USE OF LAND.—

6 (1) IN GENERAL.—Any parcel of land conveyed
7 to the County under subsection (a) shall be used
8 only for—

9 (A) the conservation of natural resources;

10 or

11 (B) public parks.

12 (2) FACILITIES.—Any facility on a parcel of
13 land conveyed under subsection (a) shall be con-
14 structed and managed in a manner consistent with
15 the uses described in paragraph (1).

16 (e) REVERSION.—If a parcel of land conveyed under
17 subsection (a) is used in a manner that is inconsistent
18 with the uses specified in subsection (d), the parcel of land
19 shall, if determined to be appropriate by the Secretary,
20 revert to the United States.

21 **SEC. 502. OPEN SPACE PARK CONVEYANCE TO THE STATE**
22 **OF NEVADA.**

23 (a) CONVEYANCE.—Notwithstanding section 202 of
24 the Federal Land Policy and Management Act of 1976
25 (43 U.S.C. 1712), the Secretary may convey to the State

1 of Nevada, subject to valid existing rights, for no consider-
2 ation, all right, title, and interest of the United States in
3 and to the parcels of land described in subsection (b), if
4 there is a written agreement between the State and Lin-
5 coln County, Nevada, supporting such a conveyance.

6 (b) DESCRIPTION OF LAND.—The parcels of land re-
7 ferred to in subsection (a) are the parcels of land depicted
8 as “NV St. Park Expansion Proposal” on the map entitled
9 “Lincoln County Conservation, Recreation, and Develop-
10 ment Act Map” and dated June 1, 2004.

11 (c) COSTS.—Any costs relating to any conveyance
12 under subsection (a), including costs for surveys and other
13 administrative costs, shall be paid by the State.

14 (d) USE OF LAND.—

15 (1) IN GENERAL.—Any parcel of land conveyed
16 to the State under subsection (a) shall be used only
17 for—

18 (A) the conservation of natural resources;

19 or

20 (B) public parks.

21 (2) FACILITIES.—Any facility on a parcel of
22 land conveyed under subsection (a) shall be con-
23 structed and managed in a manner consistent with
24 the uses described in paragraph (1).

1 (e) REVERSION.—If a parcel of land conveyed under
 2 subsection (a) is used in a manner that is inconsistent
 3 with the uses specified in subsection (d), the parcel of land
 4 shall, if determined to be appropriate by the Secretary,
 5 revert to the United States.

6 **TITLE VI—JURISDICTION**
 7 **TRANSFER**

8 **SEC. 601. TRANSFER OF ADMINISTRATIVE JURISDICTION**
 9 **BETWEEN THE FISH AND WILDLIFE SERVICE**
 10 **AND THE BUREAU OF LAND MANAGEMENT.**

11 (a) IN GENERAL.—Administrative jurisdiction over
 12 the land described in subsection (b) is transferred from
 13 the United States Bureau of Land Management to the
 14 United States Fish and Wildlife Service for inclusion in
 15 the Desert National Wildlife Range and the administrative
 16 jurisdiction over the land described in subsection (c) is
 17 transferred from the United States Fish and Wildlife
 18 Service to the United States Bureau of Land Manage-
 19 ment.

20 (b) DESCRIPTION OF LAND.— The parcel of land re-
 21 ferred to in subsection (a) is the approximately 8,503
 22 acres of land administered by the United States Bureau
 23 of Land Management as generally depicted on the map
 24 entitled “Lincoln County Conservation, Recreation, and
 25 Development Act Map” and identified as “Lands to be

1 transferred to the Fish and Wildlife Service” and dated
2 June 1, 2004.

3 (c) DESCRIPTION OF LAND.—The parcel of land re-
4 ferred to in subsection (a) is the approximately 8,382
5 acres of land administered by the United States Fish and
6 Wildlife Service as generally depicted on the map entitled
7 “Lincoln County Conservation, Recreation, and Develop-
8 ment Act Map” and identified as “Lands to be transferred
9 to the Bureau of Land Management” and dated June 1,
10 2004.

11 (d) AVAILABILITY.—Each map and legal description
12 shall be on file and available for public inspection in (as
13 appropriate)—

14 (1) the Office of the Director of the Bureau of
15 Land Management;

16 (2) the Office of the State Director of the Bu-
17 reau of Land Management;

18 (3) the Ely District Office of the Bureau of
19 Land Management; and

20 (4) the Caliente Field Office of the Bureau of
21 Land Management.

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