

115TH CONGRESS
2D SESSION

H. R. 6676

To promote conservation, improve public land, and provide for sensible development in Douglas County, Nevada, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2018

Mr. AMODEI introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To promote conservation, improve public land, and provide for sensible development in Douglas 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Douglas County Economic Development and Conserva-
6 tion Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—LAND CONVEYANCES AND SALES

- Sec. 101. Conveyance to State of Nevada.
- Sec. 102. Concessionaires at Zephyr Shoals management area.
- Sec. 103. Conveyance to Douglas County, Nevada.
- Sec. 104. Tahoe Rim Trail.
- Sec. 105. Sale of certain Federal land.

TITLE II—TRIBAL CULTURAL RESOURCES

- Sec. 201. Transfer of land to be held in trust for Tribe.
- Sec. 202. Dance Hill Management Agreement.

TITLE III—RESOLUTION OF BURBANK CANYONS WILDERNESS
STUDY AREA

- Sec. 301. Addition to National Wilderness Preservation System.
- Sec. 302. Administration.
- Sec. 303. Fish and wildlife management.
- Sec. 304. Release of wilderness study area.
- Sec. 305. Native American cultural and religious uses.

TITLE IV—TRANSFER OF ADMINISTRATIVE JURISDICTION OVER
FOREST SERVICE LAND

- Sec. 401. Authority of Forest Service to transfer administrative jurisdiction to State or County for public purposes.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNTY.—The term “County” means
4 Douglas County, Nevada.

5 (2) MAP.—The term “Map” means the map en-
6 titled “Douglas County Economic Development and
7 Conservation Act” and dated May 22, 2018.

8 (3) PUBLIC LAND.—The term “public land”
9 has the meaning given the term “public lands” in
10 section 103 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1702).

12 (4) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

1 (A) with respect to National Forest Sys-
2 tem land, the Secretary of Agriculture (acting
3 through the Chief of the Forest Service); and

4 (B) with respect to land managed by the
5 Bureau of Land Management, including land
6 held for the benefit of the Tribe, the Secretary
7 of the Interior.

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

10 (6) TRIBE.—The term “Tribe” means the
11 Washoe Tribe of Nevada and California.

12 (7) WILDERNESS.—The term “Wilderness”
13 means the Burbank Canyons Wilderness designated
14 by section 301(a).

15 **TITLE I—LAND CONVEYANCES** 16 **AND SALES**

17 **SEC. 101. CONVEYANCE TO STATE OF NEVADA.**

18 (a) CONVEYANCE.—Subject to valid existing rights,
19 the Secretary concerned shall convey to the State without
20 consideration, all right, title, and interest of the United
21 States in and to the parcel of land described in subsection
22 (b).

23 (b) DESCRIPTION OF LAND.—The parcel of land to
24 be conveyed under subsection (a) is the approximately 67-

1 acre parcel of Forest Service land generally depicted as
2 “Lake Tahoe-Nevada State Park” on the Map.

3 (c) COSTS.—As a condition for the conveyance under
4 subsection (a), all costs associated with such conveyance
5 shall be paid by the State.

6 (d) USE OF LAND.—

7 (1) IN GENERAL.—The land conveyed to the
8 State under subsection (a) shall be used by the State
9 only for—

10 (A) the conservation of wildlife or natural
11 resources; or

12 (B) a public park.

13 (2) FACILITIES.—Any facility on the land con-
14 veyed under subsection (a) shall be constructed and
15 managed in a manner consistent with the uses de-
16 scribed in paragraph (1).

17 (e) REVERSION.—If any portion of the land conveyed
18 under subsection (a) is used in a manner that is incon-
19 sistent with the uses described in subsection (d), the land
20 shall, at the discretion of the Secretary concerned, revert
21 to the United States.

22 **SEC. 102. CONCESSIONAIRES AT ZEPHYR SHOALS MANAGE-**
23 **MENT AREA.**

24 (a) EXPANDED PERMIT BOUNDARY.—Not later than
25 60 days after the date of enactment of this Act, subject

1 to acceptance by the holder of the Zephyr Cove Resort
2 permit, the Secretary of Agriculture shall modify such per-
3 mit to include the approximately 44.7 acres of National
4 Forest System land generally depicted as “Zephyr Shoals”
5 on the Map.

6 (b) PROSPECTUS.—On the date on which the permit
7 for Zephyr Cove Resort expires, the Secretary of Agri-
8 culture shall issue a prospectus for issuance of a new per-
9 mit for the Zephyr Cove Resort that includes both the
10 Zephyr Cove Resort and the approximately 44.7 acres of
11 National Forest System land generally depicted as “Zeph-
12 yr Shoals” on the Map.

13 (c) EXCLUSION.—This section shall not apply to any
14 land or portion of land described in subsection (a) for
15 which a concessionaire has a contract to operate under
16 a special use permit issued before the date of enactment
17 of this Act.

18 (d) CONSULTATION.—In carrying out this section,
19 the Secretary of Agriculture shall consult with the State,
20 County, Tribe, and other interested parties—

21 (1) to satisfy any requirement under section
22 102 of the National Environmental Policy Act of
23 1969 (42 U.S.C. 4332); and

24 (2) to prepare for any transition of operation of
25 the land described in subsection (a).

1 (e) TREATMENT OF PROCEEDS.—Any fees received
2 pursuant to a permit under subsection (a) or (b) shall re-
3 main available to the Forest Service, until expended, with-
4 out further appropriations, for use within the Lake Tahoe
5 Basin Management Unit under the authorities provided
6 by section 2(d) of Public Law 96–586 (94 Stat. 3382)
7 (commonly known as the Santini-Burton Act).

8 (f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

9 (1) IN GENERAL.—If the Secretary of Agri-
10 culture has not entered into a concession contract
11 for a permit for the land described in subsection (a)
12 by the date that is 2 years after the date on which
13 the prospectus is published under subsection (b),
14 consistent with section 3(a) of Public Law 96–586
15 (94 Stat. 3383) (commonly known as the Santini-
16 Burton Act), the Secretary of Agriculture shall
17 transfer to the County, without consideration, ad-
18 ministrative jurisdiction over the land for a period of
19 99 years.

20 (2) COSTS.—Any costs relating to a transfer
21 under paragraph (1), including any costs for surveys
22 and other administrative costs, shall be paid by the
23 County.

24 (3) USE OF LAND.—Any land transferred to the
25 County under paragraph (1) shall—

- 1 (A) be managed by the County—
2 (i) to maintain undeveloped open
3 space;
4 (ii) to preserve the natural character-
5 istics of the land in perpetuity; and
6 (iii) to protect and enhance water
7 quality, stream environment zones, and im-
8 portant wildlife habitat; and
9 (B) be used for public purposes consistent
10 with the Act of June 14, 1926 (commonly
11 known as the Recreation and Public Purposes
12 Act) (43 U.S.C. 869 et seq.).

13 (4) REVERSION.—If any land or portion of land
14 transferred under this section is used in a manner
15 that is inconsistent with this section, the land shall,
16 at the discretion of the Secretary of Agriculture, re-
17 vert to the United States.

18 **SEC. 103. CONVEYANCE TO DOUGLAS COUNTY, NEVADA.**

19 (a) DEFINITION OF FEDERAL LAND.—In this sec-
20 tion, the term “Federal land” means the approximately
21 7,951 acres of Federal land located in the County that
22 is identified as “Douglas County Conveyances” on the
23 Map.

24 (b) AUTHORIZATION OF CONVEYANCE.—Subject to
25 valid existing rights and notwithstanding the land use

1 planning requirements of section 202 of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C. 1712),
3 not later than 180 days after the date on which the Sec-
4 retary concerned receives a request from the County for
5 the conveyance of the Federal land, the Secretary con-
6 cerned shall convey to the County, without consideration,
7 all right, title, and interest of the United States in and
8 to the Federal land.

9 (c) COSTS.—Any costs relating to the conveyance au-
10 thorized under subsection (b), including any costs for sur-
11 veys and other administrative costs, shall be paid by the
12 County.

13 (d) USE OF FEDERAL LAND.—

14 (1) IN GENERAL.—The Federal land conveyed
15 under subsection (b)—

16 (A) may be used by the County for flood
17 control or any other public purpose consistent
18 with the Act of June 14, 1926 (commonly
19 known as the “Recreation and Public Purposes
20 Act”; 43 U.S.C. 869 et seq.); and

21 (B) shall not be disposed of by the County.

22 (2) REVERSION.—If the Federal land conveyed
23 under subsection (b) is used in a manner incon-
24 sistent with paragraph (1), the Federal land shall, at

1 the discretion of the Secretary concerned, revert to
2 the United States.

3 (e) ACQUISITION OF FEDERAL REVERSIONARY IN-
4 TEREST.—

5 (1) REQUEST.—The County may submit to the
6 Secretary concerned a request to acquire the Federal
7 reversionary interest in all or any portion of the
8 Federal land conveyed under this section.

9 (2) APPRAISAL.—

10 (A) IN GENERAL.—Not later than 180
11 days after the date of receipt of a request under
12 paragraph (1), the Secretary concerned shall
13 complete an appraisal of the Federal rever-
14 sionary interest in the Federal land requested
15 by the County.

16 (B) REQUIREMENT.—The appraisal under
17 subparagraph (A) shall be completed in accord-
18 ance with—

19 (i) the Uniform Appraisal Standards
20 for Federal Land Acquisitions; and

21 (ii) the Uniform Standards of Profes-
22 sional Appraisal Practice.

23 (3) CONVEYANCE REQUIRED.—

24 (A) IN GENERAL.—If, by the date that is
25 1 year after the date of completion of the ap-

1 praisal under paragraph (2), the County sub-
2 mits to the Secretary concerned an offer to ac-
3 quire the Federal reversionary interest re-
4 quested under paragraph (1), the Secretary
5 concerned, by not later than the date that is 30
6 days after the date on which the offer is sub-
7 mitted, shall convey to the County that rever-
8 sionary interest.

9 (B) CONSIDERATION.—As consideration
10 for the conveyance of the Federal reversionary
11 interest under subparagraph (A), the County
12 shall pay to the Secretary concerned an amount
13 equal to the appraised value of the Federal re-
14 versionary interest, as determined under para-
15 graph (2).

16 (C) COSTS OF CONVEYANCE.—Any costs
17 relating to the conveyance under subparagraph
18 (A), including any costs for surveys and other
19 administrative costs, shall be paid by the Sec-
20 retary concerned.

21 (4) DISPOSITION OF PROCEEDS.—Any amounts
22 collected under this subsection shall be disposed of
23 in accordance with section 105(i).

24 (f) REVOCATION OF ORDERS.—Any public land order
25 that withdraws any of the land described in subsection (a)

1 from appropriation or disposal under a public land law
2 shall be revoked to the extent necessary to permit disposal
3 of that land.

4 **SEC. 104. TAHOE RIM TRAIL.**

5 (a) IN GENERAL.—The Secretary of Agriculture, in
6 consultation with the County and other stakeholders, shall
7 develop and implement a cooperative management agree-
8 ment for the parcel of land described in subsection (b)
9 to—

10 (1) improve the quality of recreation access by
11 providing additional amenities as agreed on by the
12 Secretary and the County; and

13 (2) conserve the natural resources values.

14 (b) DESCRIPTION OF LAND.—The parcel of land de-
15 scribed in this subsection is the approximately 13-acre
16 parcel generally depicted as “Tahoe Rim Trail North Par-
17 cel” on the Map.

18 **SEC. 105. SALE OF CERTAIN FEDERAL LAND.**

19 (a) IN GENERAL.—Notwithstanding sections 202 and
20 203 of the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1712, 1713), the Secretary concerned
22 shall, in accordance with the other provisions of that Act
23 and any other applicable law, and subject to valid existing
24 rights, conduct 1 or more sales of the Federal land de-
25 scribed in subsection (b) to qualified bidders.

1 (b) DESCRIPTION OF LAND.—The Federal land re-
2 ferred to in subsection (a) consists of—

3 (1) the approximately 59.5 acres of public land
4 generally depicted as “Lands for Disposal” on the
5 Map; and

6 (2) not more than 10,000 acres of land in the
7 County that—

8 (A) is not segregated or withdrawn on or
9 after the date of enactment of this Act, unless
10 the land is withdrawn in accordance with sub-
11 section (g); and

12 (B) is identified for disposal by the Sec-
13 retary concerned through—

14 (i) the Carson City Consolidated Re-
15 source Management Plan; or

16 (ii) any subsequent amendment to the
17 management plan that is undertaken with
18 full public involvement.

19 (c) JOINT SELECTION REQUIRED.—The Secretary
20 concerned and the County shall jointly select which parcels
21 of the Federal land described in subsection (b)(2) to offer
22 for sale under subsection (a).

23 (d) COMPLIANCE WITH LOCAL PLANNING AND ZON-
24 ING LAWS.—Before carrying out a sale of Federal land
25 under subsection (a), the County shall submit to the Sec-

1 retary concerned a certification that qualified bidders have
2 agreed to comply with—

3 (1) County zoning ordinances; and

4 (2) any master plan for the area approved by
5 the County.

6 (e) METHOD OF SALE; CONSIDERATION.—The sale
7 of Federal land under subsection (a) shall be—

8 (1) through a competitive bidding process, un-
9 less otherwise determined by the Secretary con-
10 cerned; and

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

12 (f) RECREATION AND PUBLIC PURPOSES ACT CON-
13 VEYANCES.—

14 (1) IN GENERAL.—Not later than 30 days be-
15 fore any land described in subsection (b) is offered
16 for sale under subsection (a), the State or County
17 may elect to obtain the land for public purposes in
18 accordance with the Act of June 14, 1926 (com-
19 monly known as the Recreation and Public Purposes
20 Act) (43 U.S.C. 869 et seq.).

21 (2) RETENTION.—Pursuant to an election made
22 under paragraph (1), the Secretary concerned shall
23 retain the elected land for conveyance to the State
24 or County in accordance with the Act of June 14,

1 1926 (commonly known as the Recreation and Pub-
2 lic Purposes Act) (43 U.S.C. 869 et seq.).

3 (g) WITHDRAWAL.—

4 (1) IN GENERAL.—Subject to valid existing
5 rights and except as provided in paragraph (2), the
6 Federal land described in subsection (b) is with-
7 drawn from—

8 (A) all forms of entry, appropriation, or
9 disposal under the public land laws;

10 (B) location, entry, and patent under the
11 mining laws; and

12 (C) disposition under all laws relating to
13 mineral and geothermal leasing or mineral ma-
14 terials.

15 (2) TERMINATION.—The withdrawal under
16 paragraph (1) shall be terminated—

17 (A) on the date of sale or conveyance of
18 title to the land described in subsection (b) pur-
19 suant to this Act; or

20 (B) with respect to any land described in
21 subsection (b) that is not sold or exchanged,
22 not later than 1 year after the date on which
23 the land was offered for sale under this Act.

24 (3) EXCEPTION.—Paragraph (1)(A) shall not
25 apply to a sale made consistent with this section or

1 an election by the County or the State to obtain the
2 land described in subsection (b) for public purposes
3 under the Act of June 14, 1926 (commonly known
4 as the Recreation and Public Purposes Act) (43
5 U.S.C. 869 et seq.).

6 (h) DEADLINE FOR SALE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), not later than 1 year after the date of en-
9 actment of this Act, if there is a qualified bidder for
10 the land described in subsection (b), the Secretary
11 concerned shall offer the land for sale to the quali-
12 fied bidder.

13 (2) POSTPONEMENT; EXCLUSION FROM SALE.—
14 At the request of the County, the Secretary con-
15 cerned may temporarily postpone or exclude from
16 the sale under paragraph (1) all or a portion of the
17 land described in subsection (b).

18 (i) DISPOSITION OF PROCEEDS.—Of the proceeds
19 from the sale under this section—

20 (1) 5 percent shall be disbursed to the State for
21 use by the State for general education programs of
22 the State;

23 (2) 10 percent shall be disbursed to the County
24 for use by the County for general budgeting pur-
25 poses; and

1 (3) 85 percent shall be deposited in a special
2 account in the Treasury of the United States, to be
3 known as the Douglas County Special Account,
4 which shall be available to the Secretary concerned
5 until expended, without further appropriation—

6 (A) to reimburse costs incurred by the Sec-
7 retary concerned in preparing for the sale of
8 the land described in subsection (b), includ-
9 ing—

10 (i) the costs of surveys and appraisals;

11 and

12 (ii) the costs of compliance with the
13 National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.) and sec-
15 tions 202 and 203 of the Federal Land
16 Policy and Management Act of 1976 (43
17 U.S.C. 1712, 1713);

18 (B) to reimburse costs incurred by the Bu-
19 reau of Land Management and the Forest Serv-
20 ice in preparing for and carrying out the trans-
21 fers of land to be held in trust by the United
22 States under title II; and

23 (C) to acquire environmentally sensitive
24 land or an interest in environmentally sensitive
25 land in the County—

- 1 (i) pursuant to the Douglas County
2 Open Space and Agricultural Lands Pres-
3 ervation Implementation Plan, or any sub-
4 sequent amendment to the plan that is un-
5 dertaken with full public involvement; and
6 (ii) for flood control purposes.

7 (j) AVAILABILITY OF FUNDS.—Section 4(e) of the
8 Southern Nevada Public Land Management Act of 1998
9 (Public Law 105–263) is amended—

10 (1) in paragraph (3)(A)—

11 (A) by striking clause (iv) and inserting
12 the following:

13 “(iv) development of parks, trails, and
14 natural areas in Clark, Lincoln, and White
15 Pine Counties, Washoe County (subject to
16 paragraph (4)), Carson City (subject to
17 paragraph (5)), and Douglas County (sub-
18 ject to paragraph (6)), Nevada, pursuant
19 to a cooperative agreement with a unit of
20 local government or regional governmental
21 entity;”; and

22 (B) in clause (v), by striking “Clark, Lin-
23 coln, and White Pine Counties and Carson City
24 (subject to paragraph (5))” and inserting
25 “Clark, Lincoln, and White Pine Counties,

1 Washoe County (subject to paragraph (4)),
2 Carson City (subject to paragraph (5)), and
3 Douglas County (subject to paragraph (6))”;
4 and

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

6 “(6) LIMITATION FOR DOUGLAS COUNTY.—
7 Douglas County shall be eligible to nominate for ex-
8 penditure amounts to acquire land or an interest in
9 land for parks, trails, or natural areas and for con-
10 servation initiatives—

11 “(A) within the Carson River watershed;

12 “(B) within the Walker River watershed;

13 or

14 “(C) for the conservation of sage-grouse
15 habitat.”.

16 (k) REVOCATION OF ORDERS.—Any public land order
17 that withdraws any of the land described in subsection (b)
18 from appropriation or disposal under a public land law
19 shall be revoked to the extent necessary to permit disposal
20 of that land.

1 **TITLE II—TRIBAL CULTURAL**
2 **RESOURCES**

3 **SEC. 201. TRANSFER OF LAND TO BE HELD IN TRUST FOR**
4 **TRIBE.**

5 (a) IN GENERAL.—Subject to valid existing rights,
6 all right, title, and interest of the United States in and
7 to the land described in subsection (b) shall be—

8 (1) held in trust by the United States for the
9 benefit of the Tribe; and

10 (2) part of the reservation of the Tribe.

11 (b) DESCRIPTION OF LAND.—The land referred to in
12 subsection (a) is—

13 (1) the approximately 1,945 acres of Federal
14 land generally depicted as “Washoe Tribe Convey-
15 ances” on the Map; and

16 (2) any land administered on the date of enact-
17 ment of this Act by the Bureau of Land Manage-
18 ment or the Forest Service and generally depicted as
19 “Section 5 lands”.

20 (c) SURVEY.—Not later than 180 days after the date
21 of enactment of this Act, the Secretary concerned shall
22 complete a survey of the boundary lines to establish the
23 boundaries of the land taken into trust under subsection
24 (a).

25 (d) USE OF TRUST LAND.—

1 (1) GAMING.—Land taken into trust under this
2 section shall not be eligible, or considered to have
3 been taken into trust, for class II gaming or class
4 III gaming (as defined in section 4 of the Indian
5 Gaming Regulatory Act (25 U.S.C. 2703)).

6 (2) THINNING; LANDSCAPE RESTORATION.—

7 (A) IN GENERAL.—The Secretary con-
8 cerned, in consultation and coordination with
9 the Tribe, may carry out any fuel reduction and
10 other landscape restoration activities on the
11 land taken into trust under subsection (a) (in-
12 cluding land that includes threatened and en-
13 dangered species habitat), that are beneficial
14 to—

15 (i) the Tribe; and

16 (ii)(I) the Bureau of Land Manage-
17 ment; or

18 (II) the Forest Service.

19 (B) CONSERVATION BENEFITS.—Activities
20 carried out under subparagraph (A) include ac-
21 tivities that provide conservation benefits to a
22 species that—

23 (i) is not listed as endangered or
24 threatened under section 4(c) of the En-

1 dangered Species Act of 1973 (16 U.S.C.
2 1533(c)); and

3 (ii) is—

4 (I) listed by a State as a threat-
5 ened or endangered species;

6 (II) a species of concern; or

7 (III) a candidate for a listing as
8 an endangered or threatened species
9 under the Endangered Species Act of
10 1973 (16 U.S.C. 1531 et seq.).

11 (e) WATER RIGHTS.—Nothing in this section affects
12 the allocation, ownership, interest, or control, as in exist-
13 ence on the date of enactment of this Act, of any water,
14 water right, or any other valid existing right held by the
15 United States, an Indian tribe, a State, or a person.

16 **SEC. 202. DANCE HILL MANAGEMENT AGREEMENT.**

17 (a) IN GENERAL.—The Secretary of Agriculture shall
18 manage the land described in subsection (b) pursuant to
19 the interlocal agreement entered into between the Tribe
20 and County—

21 (1) to preserve cultural resources;

22 (2) to ensure regular access by members of the
23 Tribe and the community across National Forest
24 System land for cultural and religious purposes; and

25 (3) to protect recreational uses.

1 (b) DESCRIPTION OF LAND.—The land referred to in
2 subsection (a) consists of the approximately 1,811 acres
3 of land generally depicted as “Dance Hill Management
4 Agreement Area” on the Map.

5 **TITLE III—RESOLUTION OF BUR-**
6 **BANK CANYONS WILDERNESS**
7 **STUDY AREA**

8 **SEC. 301. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
9 **TION SYSTEM.**

10 (a) DESIGNATION.—In furtherance of the purposes of
11 the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-
12 mately 12,330 acres of Federal land managed by the Bu-
13 reau of Land Management, as generally depicted on the
14 map as “Burbank Canyons Wilderness” and dated May
15 22, 2018, is designated as wilderness and as a component
16 of the National Wilderness Preservation System, to be
17 known as the “Burbank Canyons Wilderness”.

18 (b) BOUNDARY.—The boundary of any portion of the
19 Wilderness that is bordered by a road shall be not less
20 than 100 feet from the centerline of the road to allow pub-
21 lic access.

22 (c) MAP AND LEGAL DESCRIPTION.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary con-

1 cerned shall prepare a map and legal description of
2 the Wilderness.

3 (2) EFFECT.—The map and legal description
4 prepared under paragraph (1) shall have the same
5 force and effect as if included in this Act, except
6 that the Secretary concerned may correct any minor
7 error in the map or legal description.

8 (3) AVAILABILITY.—A copy of the map and
9 legal description prepared under paragraph (1) shall
10 be on file and available for public inspection in the
11 appropriate offices of the Bureau of Land Manage-
12 ment.

13 (d) WITHDRAWAL.—Subject to valid existing rights,
14 the Wilderness is withdrawn from—

15 (1) all forms of entry, appropriation, or disposal
16 under the public land laws;

17 (2) location, entry, and patent under the mining
18 laws; and

19 (3) disposition under all laws relating to min-
20 eral and geothermal leasing or mineral materials.

21 **SEC. 302. ADMINISTRATION.**

22 (a) MANAGEMENT.—Subject to valid existing rights,
23 the Wilderness shall be administered by the Secretary con-
24 cerned in accordance with the Wilderness Act (16 U.S.C.
25 1131 et seq.), except that—

1 (1) any reference in that Act to the effective
2 date shall be considered to be a reference to the date
3 of enactment of this Act; and

4 (2) any reference in that Act to the Secretary
5 of Agriculture shall be considered to be a reference
6 to the Secretary of the Interior.

7 (b) LIVESTOCK.—The grazing of livestock in the Wil-
8 derness, if established before the date of enactment of this
9 Act, shall be allowed to continue, subject to such reason-
10 able regulations, policies, and practices as the Secretary
11 concerned considers to be necessary in accordance with—

12 (1) section 4(d)(4) of the Wilderness Act (16
13 U.S.C. 1133(d)(4)); and

14 (2) the guidelines set forth in Appendix A of
15 the report of the Committee on Interior and Insular
16 Affairs of the House of Representatives accom-
17 panying H.R. 2570 of the 101st Congress (House
18 Report 101–405).

19 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
20 ESTS.—Any land or interest in land within the boundaries
21 of the Wilderness that is acquired by the United States
22 after the date of enactment of this Act shall be added to
23 and administered as part of the Wilderness.

24 (d) ADJACENT MANAGEMENT.—

1 (1) IN GENERAL.—The designation of the Wil-
2 derness shall not be construed to create a protective
3 perimeter or buffer zone around the Wilderness.

4 (2) NONWILDERNESS ACTIVITIES.—The fact
5 that nonwilderness activities or uses can be seen or
6 heard from areas within the Wilderness shall not
7 preclude the conduct of the activities or uses outside
8 the boundary of the Wilderness.

9 (e) MILITARY OVERFLIGHTS.—Nothing in this Act
10 restricts or precludes—

11 (1) low-level overflights of military aircraft over
12 the Wilderness, including military overflights that
13 can be seen or heard within the wilderness area;

14 (2) flight testing and evaluation; or

15 (3) the designation or creation of new units of
16 special use airspace, or the establishment of military
17 flight training routes, over the Wilderness.

18 (f) EXISTING AIRSTRIPS.—Nothing in this Act re-
19 stricts or precludes low-level overflights by aircraft uti-
20 lizing airstrips in existence on the date of enactment of
21 this Act that are located within 5 miles of the proposed
22 boundary of the Wilderness.

23 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
24 MENT.—In accordance with section 4(d)(1) of the Wilder-
25 ness Act (16 U.S.C. 1133(d)(1)), the Secretary concerned

1 may take any measures in the Wilderness that the Sec-
2 retary concerned determines to be necessary for the con-
3 trol of fire, insects, and diseases, including, as the Sec-
4 retary concerned determines to be appropriate, the coordi-
5 nation of the activities with the State or a local agency.

6 (h) DATA COLLECTION.—In accordance with the Wil-
7 derness Act (16 U.S.C. 1131 et seq.) and subject to such
8 terms and conditions as the Secretary concerned may pre-
9 scribe, the Secretary concerned may authorize the installa-
10 tion and maintenance of hydrologic, meteorologic, or cli-
11 matological collection devices in the Wilderness if the Sec-
12 retary concerned determines that the facilities and access
13 to the facilities are essential to flood warning, flood con-
14 trol, or water reservoir operation activities.

15 (i) WATER RIGHTS.—

16 (1) FINDINGS.—Congress finds that—

17 (A) the Wilderness is located—

18 (i) in the semiarid region of the Great
19 Basin; and

20 (ii) at the headwaters for the streams
21 and rivers on land with respect to which
22 there are few, if any—

23 (I) actual or proposed water re-
24 source facilities located upstream; and

1 (II) opportunities for diversion,
2 storage, or other uses of water occur-
3 ring outside the land that would ad-
4 versely affect the wilderness values of
5 the land;

6 (B) the Wilderness is generally not suitable
7 for use or development of new water resource
8 facilities; and

9 (C) because of the unique nature of the
10 Wilderness, it is possible to provide for proper
11 management and protection of the wilderness
12 and other values of land by means different
13 from the means used in other laws.

14 (2) PURPOSE.—The purpose of this section is
15 to protect the wilderness values of the Wilderness by
16 means other than a federally reserved water right.

17 (3) STATUTORY CONSTRUCTION.—Nothing in
18 this Act—

19 (A) constitutes an express or implied res-
20 ervation by the United States of any water or
21 water rights with respect to the Wilderness;

22 (B) affects any water rights in the State
23 (including any water rights held by the United
24 States) in existence on the date of enactment of
25 this Act;

1 (C) establishes a precedent with regard to
2 any future wilderness designations;

3 (D) affects the interpretation of, or any
4 designation made under, any other Act; or

5 (E) limits, alters, modifies, or amends any
6 interstate compact or equitable apportionment
7 decree that apportions water among and be-
8 tween the State and other States.

9 (4) NEVADA WATER LAW.—The Secretary con-
10 cerned shall follow the procedural and substantive
11 requirements of State law in order to obtain and
12 hold any water rights not in existence on the date
13 of enactment of this Act with respect to the Wilder-
14 ness.

15 (5) NEW PROJECTS.—

16 (A) DEFINITION OF WATER RESOURCE FA-
17 CILITY.—

18 (i) IN GENERAL.—In this paragraph,
19 the term “water resource facility” means
20 irrigation and pumping facilities, res-
21 ervoires, water conservation works, aque-
22 ducts, canals, ditches, pipelines, wells, hy-
23 dropower projects, transmission and other
24 ancillary facilities, and other water diver-
25 sion, storage, and carriage structures.

1 (ii) EXCLUSION.—In this paragraph,
2 the term “water resource facility” does not
3 include wildlife guzzlers.

4 (B) RESTRICTION ON NEW WATER RE-
5 SOURCE FACILITIES.—Except as otherwise pro-
6 vided in this Act, on or after the date of enact-
7 ment of this Act, neither the President nor any
8 other officer, employee, or agent of the United
9 States shall fund, assist, authorize, or issue a
10 license or permit for the development of any
11 new water resource facility within any wilder-
12 ness area, including a portion of a wilderness
13 area, that is located in the County.

14 **SEC. 303. FISH AND WILDLIFE MANAGEMENT.**

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

21 (b) MANAGEMENT ACTIVITIES.—In furtherance of
22 the purposes and principles of the Wilderness Act (16
23 U.S.C. 1131 et seq.), the Secretary concerned may con-
24 duct any management activities in the Wilderness that are
25 necessary to maintain or restore fish and wildlife popu-

1 lations and the habitats to support the populations, if the
2 activities are carried out—

3 (1) in a manner that is consistent with relevant
4 wilderness management plans; and

5 (2) in accordance with—

6 (A) the Wilderness Act (16 U.S.C. 1131 et
7 seq.); and

8 (B) appropriate policies, such as those set
9 forth in Appendix B of the report of the Com-
10 mittee on Interior and Insular Affairs of the
11 House of Representatives accompanying H.R.
12 2570 of the 101st Congress (House Report
13 101–405), including the occasional and tem-
14 porary use of motorized vehicles and aircraft if
15 the use, as determined by the Secretary con-
16 cerned, would promote healthy, viable, and
17 more naturally distributed wildlife populations
18 that would enhance wilderness values with the
19 minimal impact necessary to reasonably accom-
20 plish those tasks.

21 (c) EXISTING ACTIVITIES.—Consistent with section
22 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
23 in accordance with appropriate policies such as those set
24 forth in Appendix B of the report of the Committee on
25 Interior and Insular Affairs of the House of Representa-

1 tives accompanying H.R. 2570 of the 101st Congress
2 (House Report 101–405), the State may continue to use
3 aircraft, including helicopters, to survey, capture, trans-
4 plant, monitor, and provide water for wildlife populations
5 in the Wilderness.

6 (d) HUNTING, FISHING, AND TRAPPING.—

7 (1) IN GENERAL.—The Secretary concerned
8 may designate areas in which, and establish periods
9 during which, for reasons of public safety, adminis-
10 tration, or compliance with applicable laws, no hunt-
11 ing, fishing, or trapping will be permitted in the Wil-
12 derness.

13 (2) CONSULTATION.—Except in emergencies,
14 the Secretary concerned shall consult with the ap-
15 propriate State agency and notify the public before
16 making any designation under paragraph (1).

17 (e) COOPERATIVE AGREEMENT.—

18 (1) IN GENERAL.—The State (including a des-
19 ignee of the State) may conduct wildlife manage-
20 ment activities in the Wilderness—

21 (A) in accordance with the terms and con-
22 ditions specified in the cooperative agreement
23 between the Secretary of the Interior and the
24 State entitled “Memorandum of Understanding
25 between the Bureau of Land Management and

1 the Nevada Department of Wildlife Supplement
2 No. 9” and signed November and December
3 2003, including any amendments to the cooper-
4 ative agreement agreed to by the Secretary of
5 the Interior and the State; and

6 (B) subject to all applicable laws (including
7 regulations).

8 (2) REFERENCES; CLARK COUNTY.—For the
9 purposes of this subsection, any reference to Clark
10 County in the cooperative agreement described in
11 paragraph (1)(A) shall be considered to be a ref-
12 erence to the Wilderness.

13 **SEC. 304. RELEASE OF WILDERNESS STUDY AREA.**

14 (a) FINDING.—Congress finds that, for the purposes
15 of section 603(c) of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1782(c)), the portion of the
17 Burbank Canyons Wilderness study area located in the
18 County that is not designated as wilderness by section 301
19 has been adequately studied for wilderness designation.

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

23 (1) is no longer subject to section 603(c) of the
24 Federal Land Policy and Management Act of 1976
25 (43 U.S.C. 1782(c)); and

1 (2) shall be managed in accordance with—

2 (A) land management plans adopted under
3 section 202 of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1712);
5 and

6 (B) cooperative conservation agreements in
7 existence on the date of enactment of this Act.

8 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
9 **USES.**

10 Nothing in this title alters or diminishes the treaty
11 rights of any Indian tribe (as defined in section 4 of the
12 Indian Self-Determination and Education Assistance Act
13 (25 U.S.C. 450b)).

14 **TITLE IV—TRANSFER OF ADMIN-**
15 **ISTRATIVE JURISDICTION**
16 **OVER FOREST SERVICE LAND**

17 **SEC. 401. AUTHORITY OF FOREST SERVICE TO TRANSFER**
18 **ADMINISTRATIVE JURISDICTION TO STATE**
19 **OR COUNTY FOR PUBLIC PURPOSES.**

20 (a) IN GENERAL.—Subject to valid existing rights,
21 on receipt of a request by the State or County and subject
22 to such terms and conditions as are satisfactory to the
23 Secretary of Agriculture, the Secretary may convey to the
24 State or County without consideration all right, title, and

1 interest of the United States in and to a parcel of land
2 described in subsection (b).

3 (b) DESCRIPTION OF LAND.—The land authorized to
4 be conveyed under subsection (a) is any parcel of Forest
5 Service land that is located within the boundaries of the
6 area acquired under Public Law 96–586 (94 Stat. 3381;
7 commonly known as the Santini-Burton Act) that the Sec-
8 retary of Agriculture determines is—

9 (1) unsuitable to be administered by the Forest
10 Service; or

11 (2) necessary for a public purpose.

12 (c) USE OF LAND.—A parcel of land conveyed pursu-
13 ant to subsection (a) shall—

14 (1) be managed by the State or County, as ap-
15 plicable—

16 (A) to maintain undeveloped open space
17 and to preserve the natural characteristics of
18 such land; and

19 (B) to protect and enhance water quality,
20 stream environment zones, and important wild-
21 life habitat; and

22 (2) be used by the State or County, as applica-
23 ble, only for recreation or other public purposes in-
24 cluding trails, fuel reduction, control, and other in-

1 frastructure consistent with the Act of June 14,
2 1926 (43 U.S.C. 869 et seq.).

3 (d) REVERSION.—If any portion of a parcel of land
4 conveyed pursuant to subsection (a) is used in a manner
5 that is inconsistent with subsection (c), the parcel of land
6 shall, at the discretion of the Secretary of Agriculture, re-
7 vert to the United States.

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