

115TH CONGRESS  
2D SESSION

# S. 3397

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

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IN THE SENATE OF THE UNITED STATES

AUGUST 28, 2018

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To 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 and notwithstanding the land use planning requirements  
20 of section 202 of the Federal Land Policy and Manage-  
21 ment Act of 1976 (43 U.S.C. 1712), the Secretary con-  
22 cerned shall convey to the State without consideration all  
23 right, title, and interest of the United States in and to  
24 the land described in subsection (b).

1 (b) DESCRIPTION OF LAND.—The land referred to in  
2 subsection (a) is the approximately 67 acres of Forest  
3 Service land generally depicted as “Lake Tahoe-Nevada  
4 State Park” on the Map.

5 (c) COSTS.—Any costs relating to the conveyance  
6 under subsection (a), including costs for surveys and other  
7 administrative costs, shall be paid by the State.

8 (d) USE OF LAND.—

9 (1) IN GENERAL.—Any land conveyed to the  
10 State under subsection (a) shall be used only for—

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

13 (B) a public park.

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

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

1 **SEC. 102. CONCESSIONAIRES AT ZEPHYR SHOALS MANAGE-**  
2 **MENT AREA.**

3 (a) EXPANDED PERMIT BOUNDARY.—Not later than  
4 60 days after the date of enactment of this Act, subject  
5 to acceptance by the permit holder, the Secretary of Agri-  
6 culture shall include approximately 44.7 acres of National  
7 Forest System land generally depicted as “Zephyr Shoals”  
8 on the Map in the existing permit for operation of the  
9 Zephyr Cove Resort.

10 (b) PROSPECTUS.—On the expiration of the permit  
11 for Zephyr Cove Resort, the Secretary of Agriculture shall  
12 issue a prospectus for issuance of a new permit for Zephyr  
13 Cove Resort that includes both the Zephyr Cove Resort  
14 and Zephyr Shoals.

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

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

23 (1) to satisfy any requirement under section  
24 102 of the National Environmental Policy Act of  
25 1969 (42 U.S.C. 4332); and

1           (2) to prepare for the orderly and smooth tran-  
2           sition of the operation of the land described in sub-  
3           section (a) to one or more concessionaires.

4           (e) TREATMENT OF PROCEEDS.—Any fees received  
5           under a concession contract under this section shall re-  
6           main available to the Forest Service, until expended, with-  
7           out further appropriation, for use within the Lake Tahoe  
8           Basin Management Unit under the authorities provided  
9           by section 2(d) of Public Law 96–586 (commonly known  
10          as the “Santini-Burton Act”) (94 Stat. 3382).

11          (f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

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

23           (2) COSTS.—Any costs relating to a transfer  
24           under paragraph (1), including any costs for surveys

1 and other administrative costs, shall be paid by the  
2 County.

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

5 (A) be managed by the County—

6 (i) to maintain undeveloped open  
7 space;

8 (ii) to preserve the natural character-  
9 istics of the land in perpetuity; and

10 (iii) to protect and enhance water  
11 quality, stream environment zones, and im-  
12 portant wildlife habitat; and

13 (B) be used for public purposes consistent  
14 with the Act of June 14, 1926 (commonly  
15 known as the “Recreation and Public Purposes  
16 Act”) (43 U.S.C. 869 et seq.).

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

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

23 (a) DEFINITION OF FEDERAL LAND.—In this sec-  
24 tion, the term “Federal land” means the approximately  
25 7,951 acres of Federal land located in the County that

1 is identified as “Douglas County Conveyances” on the  
2 Map.

3 (b) AUTHORIZATION OF CONVEYANCE.—Subject to  
4 valid existing rights and notwithstanding the land use  
5 planning requirements of section 202 of the Federal Land  
6 Policy and Management Act of 1976 (43 U.S.C. 1712),  
7 not later than 180 days after the date on which the Sec-  
8 retary concerned receives a request from the County for  
9 the conveyance of the Federal land, the Secretary con-  
10 cerned shall convey to the County, without consideration,  
11 all right, title, and interest of the United States in and  
12 to the Federal land.

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

17 (d) USE OF FEDERAL LAND.—

18 (1) IN GENERAL.—The Federal land conveyed  
19 under subsection (b)—

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

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



1           (2) REVERSION.—If the Federal land conveyed  
2 under subsection (b) is used in a manner incon-  
3 sistent with paragraph (1), the Federal land shall, at  
4 the discretion of the Secretary concerned, revert to  
5 the United States.

6           (e) ACQUISITION OF FEDERAL REVERSIONARY IN-  
7 TEREST.—

8           (1) IN GENERAL.—After the date of conveyance  
9 of Federal land under subsection (b) that is obtained  
10 for public purposes in accordance with the Act of  
11 June 14, 1926 (commonly known as the “Recreation  
12 and Public Purposes Act”) (43 U.S.C. 869 et seq.),  
13 the County may submit to the Secretary concerned  
14 a request to acquire the Federal reversionary inter-  
15 est in all or any portion of the Federal land.

16           (2) APPRAISAL.—

17           (A) IN GENERAL.—Not later than 180  
18 days after the date of receipt of a request under  
19 paragraph (1), the Secretary concerned shall  
20 complete an appraisal of the Federal rever-  
21 sionary interest in the Federal land requested  
22 by the County.

23           (B) REQUIREMENT.—The appraisal under  
24 subparagraph (A) shall be completed in accord-  
25 ance with—

1 (i) the Uniform Appraisal Standards  
2 for Federal Land Acquisitions; and

3 (ii) the Uniform Standards of Profes-  
4 sional Appraisal Practice.

5 (3) CONVEYANCE REQUIRED.—

6 (A) IN GENERAL.—If, by the date that is  
7 1 year after the date of completion of the ap-  
8 praisal under paragraph (2), the County sub-  
9 mits to the Secretary concerned an offer to ac-  
10 quire the Federal reversionary interest re-  
11 quested under paragraph (1), the Secretary  
12 concerned, by not later than the date that is 30  
13 days after the date on which the offer is sub-  
14 mitted, shall convey to the County that rever-  
15 sionary interest.

16 (B) CONSIDERATION.—As consideration  
17 for the conveyance of the Federal reversionary  
18 interest under subparagraph (A), the County  
19 shall pay to the Secretary concerned an amount  
20 equal to the appraised value of the Federal re-  
21 versionary interest, as determined under para-  
22 graph (2).

23 (C) COSTS OF CONVEYANCE.—Any costs  
24 relating to the conveyance under subparagraph  
25 (A), including any costs for surveys and other

1 administrative costs, shall be paid by the Sec-  
2 retary concerned.

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

6 (f) REVOCATION OF ORDERS.—Any public land order  
7 that withdraws any of the land described in subsection (a)  
8 from appropriation or disposal under a public land law  
9 shall be revoked to the extent necessary to permit disposal  
10 of that land.

11 **SEC. 104. TAHOE RIM TRAIL.**

12 (a) IN GENERAL.—The Secretary of Agriculture, in  
13 consultation with the County and other stakeholders, shall  
14 develop and implement a cooperative management agree-  
15 ment for the land described in subsection (b)—

16 (1) to improve the quality of recreation access  
17 by providing additional amenities as agreed on by  
18 the Secretary and the County; and

19 (2) to conserve the natural resource values.

20 (b) DESCRIPTION OF LAND.—The land referred to in  
21 subsection (a) consists of the approximately 13 acres of  
22 land generally depicted as “Tahoe Rim Trail North Par-  
23 cel” on the Map.

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

2 (a) IN GENERAL.—Notwithstanding sections 202 and  
3 203 of the Federal Land Policy and Management Act of  
4 1976 (43 U.S.C. 1712, 1713), the Secretary concerned  
5 shall, in accordance with the other provisions of that Act  
6 and any other applicable law, and subject to valid existing  
7 rights, conduct one or more sales of the Federal land de-  
8 scribed in subsection (b) to qualified bidders.

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

11 (1) the approximately 59.5 acres of public land  
12 generally depicted as “Lands for Disposal” on the  
13 Map; and

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

16 (A) is not segregated or withdrawn on or  
17 after the date of enactment of this Act, unless  
18 the land is withdrawn in accordance with sub-  
19 section (g); and

20 (B) is identified for disposal by the Sec-  
21 retary concerned through—

22 (i) the Carson City Consolidated Re-  
23 source Management Plan; or

24 (ii) any subsequent amendment to the  
25 management plan that is undertaken with  
26 full public involvement.

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

5 (d) COMPLIANCE WITH LOCAL PLANNING AND ZON-  
6 ING LAWS.—Before carrying out a sale of Federal land  
7 under subsection (a), the County shall submit to the Sec-  
8 retary concerned a certification that qualified bidders have  
9 agreed to comply with—

10 (1) County zoning ordinances; and

11 (2) any master plan for the area approved by  
12 the County.

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

15 (1) through a competitive bidding process, un-  
16 less otherwise determined by the Secretary con-  
17 cerned; and

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

19 (f) RECREATION AND PUBLIC PURPOSES ACT CON-  
20 VEYANCES.—

21 (1) IN GENERAL.—Not later than 30 days be-  
22 fore any land described in subsection (b) is offered  
23 for sale under subsection (a), the State or County  
24 may elect to obtain the land for public purposes in  
25 accordance with the Act of June 14, 1926 (com-

1 monly known as the “Recreation and Public Pur-  
2 poses Act”) (43 U.S.C. 869 et seq.).

3 (2) RETENTION.—Pursuant to an election made  
4 under paragraph (1), the Secretary concerned shall  
5 retain the elected land for conveyance to the State  
6 or County in accordance with the Act of June 14,  
7 1926 (commonly known as the “Recreation and  
8 Public Purposes Act”) (43 U.S.C. 869 et seq.).

9 (g) WITHDRAWAL.—

10 (1) IN GENERAL.—Subject to valid existing  
11 rights and except as provided in paragraph (2), the  
12 Federal land described in subsection (b) is with-  
13 drawn from—

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

16 (B) location, entry, and patent under the  
17 mining laws; and

18 (C) disposition under all laws relating to  
19 mineral and geothermal leasing or mineral ma-  
20 terials.

21 (2) TERMINATION.—The withdrawal under  
22 paragraph (1) shall be terminated—

23 (A) on the date of sale or conveyance of  
24 title to the land described in subsection (b) pur-  
25 suant to this Act; or

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

5 (3) EXCEPTION.—Paragraph (1)(A) shall not  
6 apply to a sale made consistent with this section or  
7 an election by the County or the State to obtain the  
8 land described in subsection (b) for public purposes  
9 under the Act of June 14, 1926 (commonly known  
10 as the “Recreation and Public Purposes Act”) (43  
11 U.S.C. 869 et seq.).

12 (h) DEADLINE FOR SALE.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), not later than 1 year after the date of en-  
15 actment of this Act, if there is a qualified bidder for  
16 the land described in subsection (b), the Secretary  
17 concerned shall offer the land for sale to the quali-  
18 fied bidder.

19 (2) POSTPONEMENT; EXCLUSION FROM SALE.—  
20 At the request of the County, the Secretary con-  
21 cerned may temporarily postpone or exclude from  
22 the sale under paragraph (1) all or a portion of the  
23 land described in subsection (b).

24 (i) DISPOSITION OF PROCEEDS.—Of the proceeds  
25 from the sale of land under this section—

1           (1) 5 percent shall be disbursed to the State for  
2 use by the State for general education programs of  
3 the State;

4           (2) 10 percent shall be disbursed to the County  
5 for use by the County for general budgeting pur-  
6 poses; and

7           (3) 85 percent shall be deposited in a special  
8 account in the Treasury of the United States, to be  
9 known as the “Douglas County Special Account”,  
10 which shall be available to the Secretary concerned  
11 until expended, without further appropriation—

12                   (A) to reimburse costs incurred by the Sec-  
13 retary concerned in preparing for the sale of  
14 the land described in subsection (b), includ-  
15 ing—

16                           (i) the costs of surveys and appraisals;

17                           and

18                           (ii) the costs of compliance with the  
19 National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.) and sec-  
21 tions 202 and 203 of the Federal Land  
22 Policy and Management Act of 1976 (43  
23 U.S.C. 1712, 1713);

24                   (B) to reimburse costs incurred by the Bu-  
25 reau of Land Management and the Forest Serv-



1 ice in preparing for and carrying out the trans-  
2 fers of land to be held in trust by the United  
3 States under title II; and

4 (C) to acquire environmentally sensitive  
5 land or an interest in environmentally sensitive  
6 land in the County—

7 (i) pursuant to the Douglas County  
8 Open Space and Agricultural Lands Pres-  
9 ervation Implementation Plan, or any sub-  
10 sequent amendment to the plan that is un-  
11 dertaken with full public involvement; and

12 (ii) for flood control purposes.

13 (j) AVAILABILITY OF FUNDS.—Section 4(e) of the  
14 Southern Nevada Public Land Management Act of 1998  
15 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;  
16 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045; 123  
17 Stat. 1114) is amended—

18 (1) in paragraph (3)(A)—

19 (A) by striking clause (iv) and inserting  
20 the following:

21 “(iv) development of parks, trails, and  
22 natural areas in Clark, Lincoln, and White  
23 Pine Counties, Washoe County (subject to  
24 paragraph (4)), Carson City (subject to  
25 paragraph (5)), and Douglas County (sub-

1           ject to paragraph (6)), Nevada, pursuant  
 2           to a cooperative agreement with a unit of  
 3           local government or regional governmental  
 4           entity;” and

5           (B) in clause (v), by striking “Clark, Lin-  
 6           coln, and White Pine Counties and Carson City  
 7           (subject to paragraph (5))” and inserting  
 8           “Clark, Lincoln, and White Pine Counties,  
 9           Washoe County (subject to paragraph (4)),  
 10          Carson City (subject to paragraph (5)), and  
 11          Douglas County (subject to paragraph (6))”;  
 12          and

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

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

19                 “(A) within the Carson River watershed;

20                 “(B) within the Walker River watershed;

21                 or

22                 “(C) for the conservation of sage-grouse  
 23                 habitat.”.

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

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       **TITLE II—TRIBAL CULTURAL**  
5                   **RESOURCES**

6       **SEC. 201. TRANSFER OF LAND TO BE HELD IN TRUST FOR**  
7                   **TRIBE.**

8           (a) **IN GENERAL.**—Subject to valid existing rights,  
9 all right, title, and interest of the United States in and  
10 to the land described in subsection (b)—

11                   (1) shall be held in trust by the United States  
12 for the benefit of the Tribe; and

13                   (2) shall be part of the reservation of the Tribe.

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

16                   (1) approximately 1,945 acres of Federal land  
17 generally depicted as “Washoe Tribe Conveyances”  
18 on the Map; and

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

23           (c) **SURVEY.**—Not later than 180 days after the date  
24 of enactment of this Act, the Secretary concerned shall  
25 complete a survey of the boundary lines to establish the

1 boundaries of the land taken into trust under subsection  
2 (a).

3 (d) USE OF TRUST LAND.—

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

9 (2) THINNING; LANDSCAPE RESTORATION.—

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

18 (i) the Tribe; and

19 (ii)(I) the Bureau of Land Manage-  
20 ment; or

21 (II) the Forest Service.

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

1 (i) that is not listed as endangered or  
2 threatened under section 4(c) of the En-  
3 dangered Species Act of 1973 (16 U.S.C.  
4 1533(c)); but

5 (ii) is—

6 (I) listed by a State as a threat-  
7 ened or endangered species;

8 (II) a species of concern; or

9 (III) a candidate for a listing as  
10 an endangered or threatened species  
11 under the Endangered Species Act of  
12 1973 (16 U.S.C. 1531 et seq.).

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

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

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

23 (1) to preserve cultural resources;

1           (2) to ensure regular access by members of the  
2       Tribe and the community across National Forest  
3       System land for cultural and religious purposes; and  
4           (3) to protect recreational uses.

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

9       **TITLE III—RESOLUTION OF BUR-**  
10       **BANK CANYONS WILDERNESS**  
11       **STUDY AREA**

12       **SEC. 301. ADDITION TO NATIONAL WILDERNESS PRESERVA-**  
13                               **TION SYSTEM.**

14       (a) DESIGNATION.—In furtherance of the purposes of  
15 the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-  
16 mately 12,330 acres of Federal land managed by the Bu-  
17 reau of Land Management, as generally depicted on the  
18 Map as “Burbank Canyons Wilderness”, is designated as  
19 wilderness and as a component of the National Wilderness  
20 Preservation System, to be known as the “Burbank Can-  
21 yons Wilderness”.

22       (b) BOUNDARY.—The boundary of any portion of the  
23 Wilderness that is bordered by a road shall be at least  
24 100 feet from the centerline of the road to allow public  
25 access.

1 (c) MAP AND LEGAL DESCRIPTION.—

2 (1) IN GENERAL.—As soon as practicable after  
3 the date of enactment of this Act, the Secretary con-  
4 cerned shall prepare a map and legal description of  
5 the Wilderness.

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

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

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

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

20 (2) location, entry, and patent under the mining  
21 laws; and

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

1 **SEC. 302. ADMINISTRATION.**

2 (a) **MANAGEMENT.**—Subject to valid existing rights,  
3 the Wilderness shall be administered by the Secretary con-  
4 cerned in accordance with the Wilderness Act (16 U.S.C.  
5 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 enactment of this Act; 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.**—The grazing of livestock in the Wil-  
13 derness, if established before the date of enactment of this  
14 Act, shall be allowed to continue, subject to such reason-  
15 able regulations, policies, and practices as the Secretary  
16 concerned considers to be necessary in accordance with—

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

19 (2) the guidelines set forth in Appendix A of  
20 the report of the Committee on Interior and Insular  
21 Affairs of the House of Representatives accom-  
22 panying H.R. 2570 of the 101st Congress (House  
23 Report 101–405).

24 (c) **INCORPORATION OF ACQUIRED LAND AND INTER-**  
25 **ESTS.**—Any land or interest in land within the boundaries  
26 of the Wilderness that is acquired by the United States



1 after the date of enactment of this Act shall be added to  
2 and administered as part of the Wilderness.

3 (d) ADJACENT MANAGEMENT.—

4 (1) IN GENERAL.—Congress does not intend for  
5 the designation of the Wilderness to create a protec-  
6 tive perimeter or buffer zone around the Wilderness.

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

12 (e) MILITARY OVERFLIGHTS.—Nothing in this Act  
13 restricts or precludes—

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

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.

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

1 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-  
2 MENT.—In accordance with section 4(d)(1) of the Wilder-  
3 ness Act (16 U.S.C. 1133(d)(1)), the Secretary concerned  
4 may take any measures in the Wilderness that the Sec-  
5 retary concerned determines to be necessary for the con-  
6 trol of fire, insects, and diseases, including, as the Sec-  
7 retary concerned determines to be appropriate, the coordi-  
8 nation of the activities with the State or a local agency.

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

18 (i) WATER RIGHTS.—

19 (1) FINDINGS.—Congress finds that—

20 (A) the Wilderness is located—

21 (i) in the semiarid region of the Great  
22 Basin; and

23 (ii) at the headwaters of the streams  
24 and rivers on land with respect to which  
25 there are few, if any—

1 (I) actual or proposed water re-  
2 source facilities located upstream; and

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

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

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

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

19 (3) STATUTORY CONSTRUCTION.—Nothing in  
20 this Act—

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

24 (B) affects any water rights in the State  
25 (including any water rights held by the United

1 States) in existence on the date of enactment of  
2 this Act;

3 (C) establishes a precedent with regard to  
4 any future wilderness designations;

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

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

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

17 (5) NEW PROJECTS.—

18 (A) DEFINITION OF WATER RESOURCE FA-  
19 CILITY.—

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

1 ancillary facilities, and other water diver-  
2 sion, storage, and carriage structures.

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

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

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

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

23 (b) MANAGEMENT ACTIVITIES.—In furtherance of  
24 the purposes and principles of the Wilderness Act (16  
25 U.S.C. 1131 et seq.), the Secretary concerned may con-

1 duct any management activities in the Wilderness that are  
2 necessary to maintain or restore fish and wildlife popu-  
3 lations and the habitats to support the populations, if the  
4 activities are carried out—

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

7 (2) in accordance with—

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

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

23 (c) EXISTING ACTIVITIES.—Consistent with section  
24 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and  
25 in accordance with appropriate policies such as those set

1 forth in Appendix B of the report of the Committee on  
2 Interior and Insular Affairs of the House of Representa-  
3 tives accompanying H.R. 2570 of the 101st Congress  
4 (House Report 101-405), the State may continue to use  
5 aircraft, including helicopters, to survey, capture, trans-  
6 plant, monitor, and provide water for wildlife populations  
7 in the Wilderness.

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

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

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

19 (e) COOPERATIVE AGREEMENT.—

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

23 (A) in accordance with the terms and con-  
24 ditions specified in the cooperative agreement  
25 between the Secretary of the Interior and the

1 State entitled “Memorandum of Understanding  
2 between the Bureau of Land Management and  
3 the Nevada Department of Wildlife Supplement  
4 No. 9” and signed November and December  
5 2003, including any amendments to the cooper-  
6 ative agreement agreed to by the Secretary of  
7 the Interior and the State; and

8 (B) subject to all applicable laws (including  
9 regulations).

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

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

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

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



1 (1) is no longer subject to section 603(c) of the  
 2 Federal Land Policy and Management Act of 1976  
 3 (43 U.S.C. 1782(c)); and

4 (2) shall be managed in accordance with—

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

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

11 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
 12 **USES.**

13 Nothing in this title alters or diminishes the treaty  
 14 rights of any Indian tribe (as defined in section 4 of the  
 15 Indian Self-Determination and Education Assistance Act  
 16 (25 U.S.C. 5304)).

17 **TITLE IV—TRANSFER OF ADMIN-**  
 18 **ISTRATIVE JURISDICTION**  
 19 **OVER FOREST SERVICE LAND**

20 **SEC. 401. AUTHORITY OF FOREST SERVICE TO TRANSFER**  
 21 **ADMINISTRATIVE JURISDICTION TO STATE**  
 22 **OR COUNTY FOR PUBLIC PURPOSES.**

23 (a) IN GENERAL.—Consistent with section 3(b) of  
 24 Public Law 96–586 (commonly known as the “Santini-  
 25 Burton Act”) (94 Stat. 3384), and subject to valid exist-

1 ing rights and to such terms and conditions as the Sec-  
2 retary of Agriculture determines to be necessary, on re-  
3 quest by the State or County, the Secretary of Agriculture  
4 may transfer the Forest Service land or interests in Forest  
5 Service land described in subsection (b) to the State or  
6 County, without consideration, to protect the environ-  
7 mental quality and public recreational use of the trans-  
8 ferred Forest Service land.

9 (b) DESCRIPTION OF LAND.—The land referred to in  
10 subsection (a) is any Forest Service land that is within  
11 the boundaries of the area subject to acquisition under  
12 Public Law 96–586 (commonly known as the “Santini-  
13 Burton Act”) (94 Stat. 3381) that is—

14 (1) unsuitable for Forest Service administra-  
15 tion; or

16 (2) necessary for a public purpose.

17 (c) USE OF LAND.—The land transferred under sub-  
18 section (a) shall—

19 (1) be managed by the State or County, as ap-  
20 plicable, to maintain undeveloped open space and to  
21 preserve the natural characteristics of the trans-  
22 ferred land in perpetuity;

23 (2) be managed by the State or County, as ap-  
24 plicable, to protect and enhance water quality,

1 stream environment zones, and important wildlife  
2 habitat; and

3 (3) be used by the State or County, as applica-  
4 ble, for recreation or other public purposes (includ-  
5 ing trails, trailheads, fuel reduction, control, and  
6 other infrastructure) consistent with the Act of June  
7 14, 1926 (commonly known as the “Recreation and  
8 Public Purposes Act”) (43 U.S.C. 869 et seq.).

9 (d) REVERSION.—If a parcel of land transferred  
10 under subsection (a) is used in a manner that is incon-  
11 sistent with the use described for the parcel of land in  
12 subsection (c), the parcel of land shall, at the discretion  
13 of the Secretary of Agriculture, revert to the United  
14 States.

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