

Union Calendar No. 436

107TH CONGRESS
2^D SESSION

H. R. 4141

[Report No. 107-705]

To authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2002

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

OCTOBER 1, 2002

Additional sponsors: Mr. CANNON and Ms. BERKLEY

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 10, 2002]

A BILL

To authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Red Rock Canyon Na-*
3 *tional Conservation Area Protection and Enhancement Act*
4 *of 2002”.*

5 **SEC. 2. DEFINITIONS.**

6 *In this Act, the following definitions apply:*

7 (1) *CORPORATION.*—*The term “Corporation”*
8 *means The Howard Hughes Corporation, an affiliate*
9 *of the Rouse Company, with its principal place of*
10 *business at 10000 West Charleston Boulevard, Las*
11 *Vegas, Nevada.*

12 (2) *RED ROCK.*—*The term “Red Rock” means*
13 *the Red Rock Canyon National Conservation Area,*
14 *consisting of approximately 195,780 acres of public*
15 *lands in Clark County, Nevada, specially designated*
16 *for protection in the Red Rock Canyon National Con-*
17 *servation Area Establishment Act of 1990 (16 U.S.C.*
18 *460ccc et seq.), as depicted on the Red Rock Map.*

19 (3) *RED ROCK MAP.*—*The term “Red Rock Map”*
20 *means the map entitled “H.R. 4141–Boundary Modi-*
21 *fications”, dated July 1, 2002.*

22 (4) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of the Interior.*

24 **SEC. 3. FINDINGS AND PURPOSES.**

25 (a) *FINDINGS.*—*The Congress makes the following*
26 *findings:*

1 (1) *Red Rock is a natural resource of major sig-*
2 *nificance to the people of Nevada and the United*
3 *States. It must be protected in its natural state for*
4 *the enjoyment of future generations of Nevadans and*
5 *Americans, and enhanced wherever possible.*

6 (2) *In 1998, the Congress enacted the Southern*
7 *Nevada Public Lands Management Act of 1998 (Pub-*
8 *lic Law 105–263), which provided among other things*
9 *for the protection and enhancement of Red Rock.*

10 (3) *The Corporation owns much of the private*
11 *land on Red Rock’s eastern boundary, and is engaged*
12 *in developing a large-scale master-planned commu-*
13 *nity.*

14 (4) *Included in the Corporation’s land holdings*
15 *are 1,071 acres of high-ground lands at the eastern*
16 *edge of Red Rock. These lands were intended to be in-*
17 *cluded in Red Rock, but to date have not been ac-*
18 *quired by the United States. The protection of this*
19 *high-ground acreage would preserve an important ele-*
20 *ment of the western Las Vegas Valley view-shed.*

21 (5) *The Corporation has volunteered to forgo de-*
22 *velopment of the high-ground lands, and proposes that*
23 *the United States acquire title to the lands so that*
24 *they can be preserved in perpetuity to protect and ex-*
25 *pand Red Rock.*

1 **(b) PURPOSES.**—*This Act has the following purposes:*

2 **(1)** *To accomplish an exchange of lands between*
3 *the United States and the Corporation that would*
4 *transfer certain high-ground lands to the United*
5 *States in exchange for the transfer of other lands of*
6 *approximately equal value to the Corporation.*

7 **(2)** *To protect Red Rock and to expand its*
8 *boundaries as contemplated by the Bureau of Land*
9 *Management, as depicted on the Red Rock Map.*

10 **(3)** *To further fulfill the purposes of the Southern*
11 *Nevada Public Lands Management Act of 1998 and*
12 *the Red Rock Canyon National Conservation Area*
13 *Establishment Act of 1990.*

14 **SEC. 4. RED ROCK LAND EXCHANGE.**

15 **(a) ACQUISITION REQUIREMENT.**—*If the Corporation*
16 *offers to convey to the United States all right, title, and*
17 *interest in and to the approximately 1,082 acres of non-*
18 *federal land owned by the Corporation and depicted on the*
19 *Red Rock Map as “OFFERED LANDS TO BE INCOR-*
20 *PORATED INTO NCA”, the Secretary shall accept such*
21 *offer on behalf of the United States, and not later than 90*
22 *days after the date of the offer, except as otherwise provided*
23 *in this Act, shall make the following conveyances:*

1 (1) *To the Corporation, the approximately 998*
2 *acres of Federal lands depicted on the Red Rock Map*
3 *as “BLM LANDS SELECTED FOR EXCHANGE”.*

4 (2) *To Clark County, Nevada, the approximately*
5 *1,221 acres of Federal lands depicted on the Red Rock*
6 *Map as “BLM LANDS FOR CLARK COUNTY*
7 *PARK”.*

8 (b) *SIMULTANEOUS CONVEYANCES.—Title to the pri-*
9 *vate property and the Federal property to be conveyed pur-*
10 *suant to this section shall be conveyed at the same time.*

11 (c) *MAP.—The Secretary shall keep the Red Rock Map*
12 *on file and available for public inspection in the Las Vegas*
13 *District Office of the Bureau of Land Management in Ne-*
14 *vada, and the State Office of the Bureau of Land Manage-*
15 *ment, Reno, Nevada.*

16 (d) *CONDITIONS.—*

17 (1) *HAZARDOUS MATERIALS.—As a condition of*
18 *the conveyance under subsection (a)(1), the Secretary*
19 *shall require that the Corporation be responsible for*
20 *removal of and remediation related to any hazardous*
21 *materials that are present on the property conveyed*
22 *to the United States under subsection (a).*

23 (2) *SURVEY.—As a condition of the conveyance*
24 *under subsection (a)(1), the Secretary shall require*
25 *that not later than 90 days after the date of the offer*

1 referred to in subsection (a), the Corporation shall
2 provide a metes and bounds survey, that is acceptable
3 to the Corporation, Clark County, and the Secretary,
4 of the common boundary between the parcels of land
5 to be conveyed under subsection (a).

6 (3) *LANDS CONVEYED TO CLARK COUNTY.*—As a
7 condition of the conveyance under subsection (a)(2),
8 the Secretary shall require that—

9 (A) the lands transferred to Clark County
10 by the United States must be held in perpetuity
11 by the County for use only as a public park or
12 as part of a public regional trail system; and

13 (B) if the County attempts to transfer the
14 lands or to undertake a use on the lands that is
15 inconsistent with their preservation and use as
16 described in subparagraph (A), such lands shall
17 revert to the United States.

18 **SEC. 5. STATUS AND MANAGEMENT OF LANDS.**

19 (a) *INCLUSION OF BASIN LANDS.*—Upon the date of
20 the enactment of this Act, the Secretary shall administer
21 the lands depicted on the Red Rock Map as “Flood Control
22 Detention Basin Lands”, exclusive of those lands used for
23 the Corps of Engineers R-4 Detention Basin, as part of
24 Red Rock and in accordance with the Red Rock Canyon
25 National Conservation Area Establishment Act of 1990 (16

1 *U.S.C. 460ccc et seq.*), the *Southern Nevada Public Lands*
2 *Management Act of 1998 (Public Law 105–263)*, and all
3 *other applicable laws.*

4 (b) *INCLUSION OF ACQUIRED LANDS; MAPS REFLECT-*
5 *ING BOUNDARY ADJUSTMENTS.*—*Upon acquisition by the*
6 *United States of lands under this Act, the Secretary shall—*

7 (1) *administer the lands as part of Red Rock*
8 *and in accordance with the Red Rock Canyon Na-*
9 *tional Conservation Area Establishment Act of 1990*
10 *(16 U.S.C. 460ccc et seq.)*, the *Southern Nevada Pub-*
11 *lic Lands Management Act of 1998 (Public Law 105–*
12 *263)*, and all other applicable laws; and

13 (2) *create new maps showing the boundaries of*
14 *Red Rock as modified by or pursuant to this Act, and*
15 *make such maps available for review at the Las Vegas*
16 *District Office of the Bureau of Land Management*
17 *and the State Office of the Bureau of Land Manage-*
18 *ment, Reno, Nevada.*

19 (c) *CONFORMING AMENDMENT.*—*Section 3(a)(2) of the*
20 *Red Rock Canyon National Conservation Area Establish-*
21 *ment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is amended*
22 *by inserting before the period the following: “, and such ad-*
23 *ditional areas as are included in the conservation area pur-*
24 *suant to the Red Rock Canyon National Conservation Area*
25 *Protection and Enhancement Act of 2002”.*

1 **SEC. 6. GENERAL PROVISIONS.**

2 (a) *REVIEW OF APPRAISAL.*—Not later than 90 days
3 after the date of the enactment of this Act, the Secretary
4 shall complete a review of the appraisal entitled “Complete
5 Self-Contained Appraisal Red Rock Exchange, Las Vegas,
6 Nevada”, completed on or about June 3, 2002. The dif-
7 ference in appraisal values shall be reimbursed to the Sec-
8 retary by the Corporation in accordance with the Southern
9 Nevada Public Lands Management Act of 1998.

10 (b) *VALID EXISTING RIGHTS.*—The land exchange
11 under this Act shall be subject to valid existing rights. Each
12 party to which property is conveyed under this Act shall
13 succeed to the rights and obligations of the conveying party
14 with respect to any lease, right-of-way, permit, or other
15 valid existing right to which the property is subject.

16 (c) *TECHNICAL CORRECTIONS.*—Nothing in this Act
17 prohibits the parties to the conveyances under this Act from
18 agreeing to the correction of technical errors or omissions
19 in the Red Rock Map.

20 (d) *WITHDRAWAL OF AFFECTED LANDS.*—To the ex-
21 tent not already accomplished under law or administrative
22 action, the Secretary shall withdraw from operation of the
23 public land and mining laws, subject to valid existing
24 rights—

25 (1) those Federal lands acquired by the United
26 States under this Act; and

1 (2) *those Federal lands already owned by the*
2 *United States on the date of the enactment of this Act*
3 *but included within the Red Rock National Conserva-*
4 *tion Area boundaries by this Act.*

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