

109TH CONGRESS
1ST SESSION

H. R. 816

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2005

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To direct the Secretary of Agriculture to sell certain parcels
of National Forest System land in Carson City and
Douglas County, Nevada.

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 “Nevada National For-
3 est Land Disposal Act of 2005”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The United States owns, and the Forest
7 Service administers, land in small and large parcels
8 in Carson City and Douglas County, Nevada.

9 (2) Much of this Federal land is interspersed
10 with or adjacent to private land, which renders the
11 Federal land difficult, inefficient, and expensive for
12 the Forest Service to manage and more appropriate
13 for disposal.

14 (3) In order to promote responsible and orderly
15 development in Carson City and Douglas County,
16 Nevada, appropriate parcels of the Federal land
17 should be sold by the Federal Government based on
18 recommendations made by units of local government
19 and the public.

20 (b) PURPOSE.—The purpose of this Act is to provide
21 for the sale of certain parcels of National Forest System
22 land in Carson City and Douglas County, Nevada.

1 **SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS,**
2 **CARSON CITY AND DOUGLAS COUNTY, NE-**
3 **VADA.**

4 (a) DISPOSAL REQUIRED.—The Secretary of Agri-
5 culture (in this section referred to as the “Secretary”)
6 shall sell any right, title, or interest of the United States
7 in and to the following parcels of National Forest System
8 lands in Carson City or Douglas County, Nevada:

9 (1) The parcel of land referred to as the “Car-
10 son Parcel”, consisting of approximately 3 acres,
11 and more particularly described as being a portion
12 of the southeast quarter, section 31, township 15
13 north, range 20 east, Mount Diablo Base and Merid-
14 ian.

15 (2) The parcel of land referred to as the “Jacks
16 Valley/Highway 395 Parcel”, consisting of approxi-
17 mately 28 acres, and more particularly described as
18 being a portion of the northwest quarter of the
19 southeast quarter, section 6, township 14 north,
20 range 20 east, Mount Diablo Base and Meridian.

21 (3) The parcel of land referred to as the “In-
22 dian Hills Parcel”, consisting of approximately 75
23 acres, and more particularly described as being a
24 portion of the southwest quarter, section 18, town-
25 ship 14 north, range 20 east, Mount Diablo Base
26 and Meridian.

1 (4) The parcel of land referred to as the
2 “Mountain House Area Parcel”, consisting of ap-
3 proximately 40 acres, and more particularly de-
4 scribed as being a portion of the northwest quarter
5 of the northeast quarter, section 12, township 10
6 north, range 21 east, Mount Diablo Base and Merid-
7 ian.

8 (5) The parcel of land referred to as the “Hol-
9 brook Junction Area Parcel”, consisting of approxi-
10 mately 80 acres, and more particularly described as
11 being a portion of the west half of the southwest
12 quarter, section 7, township 10 north, range 22 east,
13 Mount Diablo Base and Meridian.

14 (6) The two parcels of land referred to as the
15 “Topaz Lake Parcels”, consisting of approximately
16 5 acres (approximately 2.5 acres per parcel), and
17 more particularly described as being portions of the
18 northwest quarter, section 29, township 10 north,
19 range 22 east, Mount Diablo Base and Meridian.

20 (b) MODIFICATION OF DESCRIPTIONS.—The Sec-
21 retary may—

22 (1) correct typographical or clerical errors in
23 the descriptions of land specified in subsection (a);
24 and

1 (2) for the purposes of soliciting offers for the
2 sale of such land, modify the descriptions based
3 on—

4 (A) a survey; or

5 (B) a determination by the Secretary that
6 the modification is in the best interest of the
7 public.

8 (c) SELECTION AND SALE.—

9 (1) COORDINATION.—The Secretary shall co-
10 ordinate the sale of land under this section with the
11 unit of local government in which the land is located.

12 (2) EXISTING RIGHTS.—The sale of land under
13 this section shall be subject to all valid existing
14 rights, such as rights-of-way, in effect as of the date
15 of the sale. In the case of the parcel described in
16 subsection (a)(2), all access rights in and to United
17 States Highway 395, together with any and all
18 abutter's rights adjacent to the westerly right-of-way
19 line of such highway, within the parcel shall be re-
20 stricted.

21 (3) ZONING LAWS.—The sale of land under this
22 section shall be in accordance with local land use
23 planning and zoning laws and regulations.

24 (4) SOLICITATIONS OF OFFERS.—The Secretary
25 shall solicit offers for the sale of land under this sec-

1 tion, subject to any terms or conditions that the Sec-
2 retary may prescribe. The Secretary may reject any
3 offer made under this section if the Secretary deter-
4 mines that the offer is not adequate or not in the
5 public interest.

6 (5) METHOD OF SALE.—The Secretary shall
7 sell the land described in subsection (a) at public
8 auction.

9 (d) DISPOSITION OF PROCEEDS.—

10 (1) PAYMENTS AND DEPOSITS.—Of the gross
11 proceeds from any sale of land under this section,
12 the Secretary shall—

13 (A) pay five percent to the State of Ne-
14 vada for use for the general education program
15 of the State;

16 (B) pay five percent to the Carson Water
17 Subconservancy District in the State;

18 (C) deposit 25 percent in the fund estab-
19 lished under Public Law 90–171 (commonly
20 known as the “Sisk Act”; 16 U.S.C. 484a); and

21 (D) retain and use, without further appro-
22 priation, the remaining funds for the purpose of
23 expanding the Minden Interagency Dispatch
24 Center in Minden, Nevada, as provided in para-
25 graph (3).

1 (2) USE OF SISK ACT FUNDS.—The amounts
2 deposited under paragraph (1)(C) shall be available
3 to the Secretary until expended, without further ap-
4 propriation, for the following purposes:

5 (A) Reimbursement of costs incurred by
6 the local offices of the Forest Service in car-
7 rying out land sales under this section, except
8 that the total amount of reimbursement may
9 not exceed 10 percent of the total proceeds of
10 the lands sales.

11 (B) The development and maintenance of
12 parks, trails, and natural areas in Carson City,
13 Douglas County, or Washoe County, Nevada, in
14 accordance with a cooperative agreement en-
15 tered into with the unit of local government in
16 which the park, trail, or natural area is located.

17 (3) MINDEN INTERAGENCY DISPATCH CEN-
18 TER.—The Minden Interagency Dispatch Center is
19 located on land made available by the State of Ne-
20 vada in Minden, Nevada, and will serve as a joint fa-
21 cility for the Forest Service and the Nevada Division
22 of Forestry for the purpose of fighting wildland
23 fires. The expansion of the center shall include living
24 quarters and office space for the Blackmountain
25 Hotshot Crew, a guard station for housing engines

1 and patrol vehicles, an air traffic control tower, a
2 training facility, and a warehouse.

3 (4) LIMITATION.—None of the amounts made
4 available to the Carson Water Subconservancy Dis-
5 trict under paragraph (1)(B) shall be used to pay
6 the costs of litigation.

7 (e) RELATION TO OTHER PROPERTY MANAGEMENT
8 LAWS.—The land described in subsection (a) shall not be
9 subject to chapter 5 of title 40, United States Code.

10 (f) WITHDRAWAL.—Subject to valid existing rights,
11 all Federal land described in subsection (a) is withdrawn
12 from location, entry, and patent under the public land
13 laws, mining laws, and mineral leasing laws, including geo-
14 thermal leasing laws.

15 (g) REVOCATION OF PUBLIC LAND ORDERS.—

16 (1) IN GENERAL.—To facilitate the sale of par-
17 cels of land described in subsection (a), the Sec-
18 retary shall revoke any public land orders in exist-
19 ence on the date of the enactment of this Act that
20 withdraw the parcels from all forms of appropriation
21 under the public land laws, to the extent that the or-
22 ders apply to land described in such subsection (a).

23 (2) EFFECTIVE DATE.—A revocation under
24 paragraph (1) shall be effective on the date on which

1 the instrument conveying the parcels of land subject
2 to the public land order is executed.

3 (h) REPORT.—The Secretary shall submit to the
4 Committee on Agriculture and the Committee on Re-
5 sources of the House of Representatives and the Com-
6 mittee on Agriculture, Nutrition, and Forestry of the Sen-
7 ate an annual report on all land sales made under this
8 section.

Passed the House of Representatives March 14,
2005.

Attest:

JEFF TRANDAHL,

Clerk.