

113TH CONGRESS
1ST SESSION

S. 1263

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

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2013

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

A BILL

To establish a wilderness area, 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 Conservation Act of 2013”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—WILDERNESS AREA

- Sec. 101. Findings.
 Sec. 102. Addition to National Wilderness Preservation System.
 Sec. 103. Administration.
 Sec. 104. Fish and wildlife management.
 Sec. 105. Release of wilderness study area.
 Sec. 106. Native American cultural and religious uses.

TITLE II—TRIBAL CULTURAL RESOURCES

- Sec. 201. Transfer of land to be held in trust for the Washoe Tribe.
 Sec. 202. Cooperative management agreement.

TITLE III—PUBLIC CONVEYANCES

- Sec. 301. Conveyance to the State of Nevada.
 Sec. 302. Concessionaires at the Round Hill Pines Management Area and Dreyfus Estate Management Area.
 Sec. 303. Transfer of administrative jurisdiction from the Forest Service to the State, county, or local government for public purposes.
 Sec. 304. Conveyance and lease to Douglas County, Nevada.
 Sec. 305. Sale of certain Federal land.

1 SEC. 2. DEFINITIONS.

2 In this Act:

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

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

9 (3) SECRETARY CONCERNED.—The term “Sec-
 10 retary concerned” means—

11 (A) with respect to National Forest Sys-
 12 tem land, the Secretary of Agriculture, acting
 13 through the Chief of the Forest Service; and

14 (B) with respect to land managed by the
 15 Bureau of Land Management, including land

1 held for the benefit of the Tribe, the Secretary
2 of the Interior.

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

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

7 (6) WILDERNESS.—The term “Wilderness”
8 means the Burbank Canyon Wilderness designated
9 by section 102(a).

10 **TITLE I—WILDERNESS AREA**

11 **SEC. 101. FINDINGS.**

12 Congress finds that—

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

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

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

19 (2) continued preservation of those resources
20 would benefit the County and all of the United
21 States by—

22 (A) ensuring the conservation of eco-
23 logically diverse habitat;

24 (B) protecting prehistoric cultural re-
25 sources;

1 (C) conserving primitive recreational re-
2 sources; and

3 (D) protecting air and water quality.

4 **SEC. 102. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
5 **TION SYSTEM.**

6 (a) DESIGNATION.—In furtherance of the purposes of
7 the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-
8 mately 12,330 acres of Federal land managed by the Bu-
9 reau of Land Management, as generally depicted on the
10 map entitled “Proposed Burbank Canyon Wilderness” and
11 dated June 26, 2013, is designated as wilderness and as
12 a component of the National Wilderness Preservation Sys-
13 tem, to be known as the “Burbank Canyons Wilderness”.

14 (b) BOUNDARY.—The boundary of any portion of the
15 Wilderness that is bordered by a road shall be at least
16 100 feet from the edge of the road to allow public access.

17 (c) NATIONAL LANDSCAPE CONSERVATION SYS-
18 TEM.—The Wilderness shall be administered as a compo-
19 nent of the National Landscape Conservation System.

20 (d) MAP AND LEGAL DESCRIPTION.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of this Act, the Secretary con-
23 cerned shall prepare a map and legal description of
24 the Wilderness.

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

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

11 (e) WITHDRAWAL.—Subject to valid existing rights,
12 the Wilderness is withdrawn from—

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

15 (2) location, entry, and patent under the mining
16 laws; and

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

19 **SEC. 103. ADMINISTRATION.**

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

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

4 (2) to the Secretary of Agriculture shall be con-
5 sidered to be a reference to the Secretary of the In-
6 terior.

7 (b) LIVESTOCK.—Within the Wilderness, the grazing
8 of livestock in areas administered by the Bureau of Land
9 Management in which grazing is established as of the date
10 of enactment of this Act shall be allowed to continue sub-
11 ject to such reasonable regulations, policies, and practices
12 as the Secretary concerned considers to be necessary in
13 accordance with—

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

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

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

1 (d) ADJACENT MANAGEMENT.—

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

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

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

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

15 (2) flight testing and evaluation; or

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

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

24 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
25 MENT.—In accordance with section 4(d)(1) of the Wilder-

1 ness Act (16 U.S.C. 1133(d)(1)), the Secretary concerned
2 may take any measures in the Wilderness that the Sec-
3 retary concerned determines to be necessary to control
4 fire, insects, and diseases, subject to such terms and con-
5 ditions as the Secretary concerned determines to be nec-
6 essary.

7 (h) WATER RIGHTS.—

8 (1) FINDINGS.—Congress finds that—

9 (A) the Wilderness is located—

10 (i) in the semiarid region of the Great
11 Basin; and

12 (ii) at the headwaters of the streams
13 and rivers on land with respect to which
14 there are few, if any—

15 (I) actual or proposed water re-
16 source facilities located upstream; and

17 (II) opportunities for diversion,
18 storage, or other uses of water occur-
19 ring outside the land that would ad-
20 versely affect the wilderness values of
21 the land;

22 (B) the Wilderness is generally not suitable
23 for use or development of new water resource
24 facilities; and

1 (C) because of the unique nature of the
2 Wilderness, it is possible to provide for proper
3 management and protection of the wilderness
4 and other values of land in ways different from
5 those used in other laws.

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

9 (3) STATUTORY CONSTRUCTION.—Nothing in
10 this Act—

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

14 (B) affects any water rights in the State
15 (including any water rights held by the United
16 States) in existence on the date of enactment of
17 this Act;

18 (C) establishes a precedent with regard to
19 any future wilderness designations;

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

22 (E) limits, alters, modifies, or amends any
23 interstate compact or equitable apportionment
24 decree that apportions water among and be-
25 tween the State and other States.

1 (4) NEVADA WATER LAW.—The Secretary con-
2 cerned shall follow the procedural and substantive
3 requirements of State law so as to obtain and hold
4 any water rights not in existence on the date of en-
5 actment of this Act with respect to the Wilderness.

6 (5) NEW PROJECTS.—

7 (A) DEFINITION OF WATER RESOURCE FA-
8 CILITY.—

9 (i) IN GENERAL.—In this paragraph,
10 the term “water resource facility” means
11 irrigation and pumping facilities, res-
12 ervoirs, water conservation works, aque-
13 ducts, canals, ditches, pipelines, wells, hy-
14 dropower projects, transmission and other
15 ancillary facilities, and other water diver-
16 sion, storage, and carriage structures.

17 (ii) EXCLUSION.—The term “water
18 resource facility” does not include wildlife
19 guzzlers.

20 (B) RESTRICTION ON NEW WATER RE-
21 SOURCE FACILITIES.—Except as otherwise pro-
22 vided in this Act, on or after the date of enact-
23 ment of this Act, neither the President nor any
24 other officer, employee, or agent of the United
25 States shall fund, assist, authorize, or issue a

1 license or permit for the development of any
2 new water resource facility within any wilder-
3 ness area, including a portion of a wilderness
4 area, that is located in the County.

5 **SEC. 104. FISH AND WILDLIFE MANAGEMENT.**

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

12 (b) MANAGEMENT ACTIVITIES.—In furtherance of
13 the purposes and principles of the Wilderness Act (16
14 U.S.C. 1131 et seq.), the Secretary concerned may con-
15 duct any management activities in the Wilderness that are
16 necessary to maintain or restore fish and wildlife popu-
17 lations and the habitats to support those populations, if
18 the activities are carried out—

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

21 (2) in accordance with—

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

24 (B) appropriate policies, such as those set
25 forth in Appendix B of the report of the Com-

1 mittee on Interior and Insular Affairs of the
2 House of Representatives accompanying H.R.
3 2570 of the 101st Congress (House Report
4 101–405), including the occasional and tem-
5 porary use of motorized vehicles if the use, as
6 determined by the Secretary concerned, would
7 promote healthy, viable, and more naturally dis-
8 tributed wildlife populations that would enhance
9 wilderness values with the minimal impact nec-
10 essary to reasonably accomplish those tasks.

11 (c) EXISTING ACTIVITIES.—Consistent with section
12 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
13 in accordance with appropriate policies such as those set
14 forth in Appendix B of the report of the Committee on
15 Interior and Insular Affairs of the House of Representa-
16 tives accompanying H.R. 2570 of the 101st Congress
17 (House Report 101–405), the State may continue to use
18 aircraft, including helicopters, to survey, capture, trans-
19 plant, monitor, and provide water for wildlife populations
20 in the Wilderness.

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

22 (1) IN GENERAL.—The Secretary concerned
23 may designate areas in which, and establish periods
24 during which, for reasons of public safety, adminis-
25 tration, or compliance with applicable laws, no hunt-

1 ing, fishing, or trapping will be permitted in the Wil-
2 derness.

3 (2) CONSULTATION.—Except in emergencies,
4 the Secretary concerned shall consult with the ap-
5 propriate State agency and notify the public before
6 making any designation under paragraph (1).

7 (e) COOPERATIVE AGREEMENT.—

8 (1) IN GENERAL.—The State may conduct wild-
9 life management activities in the Wilderness—

10 (A) in accordance with the terms and con-
11 ditions specified in the cooperative agreement
12 between the Secretary of the Interior and the
13 State entitled “Memorandum of Understanding
14 between the Bureau of Land Management and
15 the Nevada Department of Wildlife Supplement
16 No. 9” and signed November and December
17 2003, including any amendments to the cooper-
18 ative agreement agreed to by the Secretary of
19 the Interior and the State; and

20 (B) subject to all applicable laws (including
21 regulations).

22 (2) REFERENCES; CLARK COUNTY.—For the
23 purposes of this subsection, any reference to Clark
24 County in the cooperative agreement described in

1 paragraph (1)(A) shall be considered to be a ref-
2 erence to the Wilderness.

3 **SEC. 105. RELEASE OF WILDERNESS STUDY AREA.**

4 (a) FINDING.—Congress finds that, for the purposes
5 of section 603 of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1782), the Bureau of Land
7 Management land in any portion of the Burbank Canyons
8 Wilderness study area not designated as wilderness by sec-
9 tion 102 has been adequately studied for wilderness des-
10 ignation.

11 (b) RELEASE.—Any public land described in sub-
12 section (a) that is not designated as wilderness by this
13 Act—

14 (1) is no longer subject to section 603(c) of the
15 Federal Land Policy and Management Act of 1976
16 (43 U.S.C. 1782(c)); and

17 (2) shall be managed in accordance with—

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

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

22 **SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
23 **USES.**

24 Nothing in this title diminishes—

25 (1) the rights of any Indian tribe; or

1 (2) tribal rights regarding access to Federal
2 land for tribal activities, including spiritual, cultural,
3 and traditional food-gathering activities.

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

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

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

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

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

15 (b) DESCRIPTION OF LAND.—The land referred to in
16 subsection (a) consists of the approximately 1,178 acres
17 of land, as generally depicted on the Map as “To Washoe
18 Tribe”.

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

1 **SEC. 202. COOPERATIVE MANAGEMENT AGREEMENT.**

2 (a) IN GENERAL.—The Secretary of Agriculture, in
3 consultation with the Tribe and County, shall develop and
4 implement a cooperative management agreement for the
5 land described in subsection (b)—

6 (1) to preserve cultural resources;

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

10 (3) to protect recreational uses.

11 (b) DESCRIPTION OF LAND.—The land referred to in
12 subsection (a) consists of the approximately 1,811 acres
13 of land, as generally depicted on the Map as “Cooperative
14 Management Area”.

15 **TITLE III—PUBLIC**
16 **CONVEYANCES**

17 **SEC. 301. CONVEYANCE TO THE STATE OF NEVADA.**

18 (a) CONVEYANCE.—Notwithstanding section 202 of
19 the Federal Land Policy and Management Act of 1976
20 (43 U.S.C. 1712), the Secretary concerned shall convey
21 to the State, subject to valid existing rights, for no consid-
22 eration, all right, title, and interest of the United States
23 in and to the land described in subsection (b).

24 (b) DESCRIPTION OF LAND.—The land referred to in
25 subsection (a) is the approximately 67 acres of Forest

1 Service land, as generally depicted on the Map as “Lake
2 Tahoe-Nevada State Park”.

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

6 (d) USE OF LAND.—

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

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

11 (B) a public park.

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

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

21 **SEC. 302. CONCESSIONAIRES AT THE ROUND HILL PINES**
22 **MANAGEMENT AREA AND DREYFUS ESTATE**
23 **MANAGEMENT AREA.**

24 (a) PROSPECTUS.—Subject to subsection (b), not
25 later than 60 days after the date of enactment of this Act,

1 the Secretary of Agriculture shall make publicly available
2 a prospectus to solicit one or more concessionaires for—

3 (1) the approximately 200 acres of land as gen-
4 erally depicted on the Map as “Round Hill Pines Re-
5 sort”; and

6 (2) the approximately 416 acres of land as gen-
7 erally depicted on the Map as “Zephyr Shoals”.

8 (b) EXCLUSIONS.—

9 (1) SPECIAL USE PERMITS.—This section shall
10 not apply to any land or portion of land described
11 in subsection (a) for which a concessionaire has a
12 contract to operate under a special use permit issued
13 before the date of enactment of this Act.

14 (2) PRIOR PROSPECTUSES.—This section shall
15 not apply to any land or portion of land described
16 in subsection (a) for which the Secretary of Agri-
17 culture has made publicly available before the date
18 of enactment of this Act a prospectus for that land
19 or portion of land.

20 (c) CONSULTATION.—In carrying out this section, the
21 Secretary of Agriculture shall consult with the Tribe, the
22 County, the State, 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 (d) 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 appropriations, for use within the Lake Tahoe
8 Basin Management Unit under the authorities provided
9 by the Act of April 24, 1950 (commonly known as the
10 “Granger-Thye Act”) (64 Stat. 82, chapter 97).

11 (e) ADMINISTRATIVE JURISDICTION TRANSFER.—

12 (1) IN GENERAL.—If the Secretary of Agri-
13 culture has not entered into a concession contract
14 for the land described in subsection (a) by the date
15 that is 2 years after the date on which the pro-
16 spectus is published under that subsection, con-
17 sistent with section 3(a) of Public Law 96–586 (94
18 Stat. 3383) (commonly known as the “Santini-Bur-
19 ton Act”), the Secretary of Agriculture shall transfer
20 to the County, without consideration, administrative
21 jurisdiction of that land for a period of 99 years.

22 (2) EXCEPTION.—If the Secretary of Agri-
23 culture has taken steps to enter into a concession
24 contract for the land described in subsection (a), in-
25 cluding substantial completion of any requirement

1 under section 102 of the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4332), the transfer
3 of administrative jurisdiction under paragraph (1)
4 shall not take place unless the Secretary of Agri-
5 culture has not entered into a concession contract by
6 the date that is 30 months after the date on which
7 the prospectus is published under subsection (a).

8 (3) COSTS.—Any costs relating to a transfer
9 under paragraph (1), including any costs for surveys
10 and other administrative costs, shall be paid by the
11 Secretary of Agriculture.

12 (4) USE OF LAND.—Any property transferred
13 to the County under paragraph (1) shall—

14 (A) be managed by the County—

15 (i) to maintain undeveloped open
16 space;

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

19 (iii) to protect and enhance water
20 quality, stream environment zones, and im-
21 portant wildlife habitat; and

22 (B) be used for diverse recreation opportu-
23 nities or other public purposes consistent with
24 the Act of June 14, 1926 (commonly known as

1 the “Recreation and Public Purposes Act”) (43
2 U.S.C. 869 et seq.).

3 (5) REVERSION.—If any land or portion of land
4 transferred under this section is used in a manner
5 that is inconsistent with this section, the parcel of
6 land shall, at the discretion of the Secretary of Agri-
7 culture, revert to the United States.

8 **SEC. 303. TRANSFER OF ADMINISTRATIVE JURISDICTION**
9 **FROM THE FOREST SERVICE TO THE STATE,**
10 **COUNTY, OR UNIT OF LOCAL GOVERNMENT**
11 **FOR PUBLIC PURPOSES.**

12 (a) IN GENERAL.—Consistent with section 3(b) of
13 Public Law 96–586 (commonly known as the “Santini-
14 Burton Act”) (94 Stat. 3384), on request by the State
15 or County, the Secretary may transfer the land or inter-
16 ests in land described in subsection (b) to the State, Coun-
17 ty, or applicable unit of local government without consider-
18 ation, subject to appropriate deed restrictions to protect
19 the environmental quality and public recreational use of
20 the land transferred.

21 (b) DESCRIPTION OF LAND.—The land referred to in
22 subsection (a) is any Forest Service land that is within
23 the boundaries of the area subject to acquisition that is
24 unsuitable for Forest Service administration or necessary
25 for a public purpose, as depicted on the map entitled

1 “Douglas County Conservation Act of 2013” and dated
2 June 27, 2013.

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

5 (1) be managed by the State, County, or unit
6 of local government to maintain undeveloped open
7 space and to preserve the natural characteristics of
8 the transferred land in perpetuity;

9 (2) be managed by the State, County, or unit
10 of local government to protect and enhance water
11 quality, stream environment zones, and important
12 wildlife habitat; and

13 (3) be used by the State, County, or unit of
14 local government for recreation or other public pur-
15 poses consistent with the Act of June 14, 1926
16 (commonly known as the “Recreation and Public
17 Purposes Act”) (43 U.S.C. 869 et seq.).

18 (d) REVERSION.—If a parcel of land transferred
19 under subsection (a) is used in a manner that is incon-
20 sistent with the use described for the parcel of land in
21 subsection (c), the parcel of land shall, at the discretion
22 of the Secretary, revert to the United States.

23 (e) LEGAL DESCRIPTION AND MAP.—As soon as
24 practicable after the date of enactment of this Act, the

1 Secretary concerned shall prepare a map and legal de-
2 scription of the land transferred under subsection (a).

3 **SEC. 304. CONVEYANCE AND LEASE TO DOUGLAS COUNTY,**
4 **NEVADA.**

5 (a) DEFINITION OF MAP.—In this section and section
6 305, the term “Map” means the map entitled “Douglas
7 County, Nevada” and dated March 1, 2012.

8 (b) AUTHORIZATION OF CONVEYANCE.—Notwith-
9 standing section 202 of the Federal Land Policy and Man-
10 agement Act of 1976 (43 U.S.C. 1712), the Secretary con-
11 cerned shall—

12 (1) convey to the County, without consideration,
13 all right, title, and interest of the United States in
14 and to the land described in subsection (b); and

15 (2) lease to the County, without consideration,
16 the approximately 5,232 acres of land identified on
17 the Map as “BLM Flood Control”.

18 (c) DESCRIPTION OF LAND.—The land referred to in
19 subsection (b)(1) consists of—

20 (1) the approximately 5,441 acres of land as
21 generally depicted on the Map as “Flood Control
22 and Management”;

23 (2) the approximately 45 acres of land as gen-
24 erally depicted on the Map as “Water Resource In-
25 frastructure”;

1 (3) the approximately 2,263 acres of land as
2 generally depicted on the Map as “Recreation and
3 Public Purposes”; and

4 (4) the approximately 815 acres of land as gen-
5 erally depicted on the Map as Forest Service recre-
6 ation parcels.

7 (d) COSTS.—Any costs relating to the conveyance
8 under subsection (b)(1), including any costs for surveys
9 and other administrative costs, shall be paid by the Sec-
10 retary of the Interior.

11 (e) USE OF LAND.—

12 (1) FLOOD CONTROL AND MANAGEMENT
13 AREA.—

14 (A) IN GENERAL.—The land described in
15 subsection (c)(1) shall be managed by the
16 County for—

17 (i) any infrastructure project required
18 for municipal water and flood management
19 activities;

20 (ii) fuels reduction projects;

21 (iii) recreation, including the construc-
22 tion of trails and trailhead facilities;

23 (iv) the use of motorized vehicles on
24 designated roads, trails, and areas;

1 (v) undeveloped open space, cus-
2 tomary agricultural practices, wildlife pro-
3 tection; and

4 (vi) the preservation of the natural
5 characteristics of the land, in perpetuity.

6 (B) REVERSION.—If the land described in
7 subsection (c)(1) is used in a manner that is in-
8 consistent with the uses described in this para-
9 graph, the land shall, at the discretion of the
10 Secretary concerned, revert to the United
11 States.

12 (2) WATER RESOURCE INFRASTRUCTURE.—

13 (A) IN GENERAL.—The land described in
14 subsection (c)(2) shall be managed by the
15 County for—

16 (i) any infrastructure project required
17 for municipal water and flood management
18 activities;

19 (ii) fuels reduction projects;

20 (iii) passive recreation;

21 (iv) undeveloped open space and wild-
22 life protection; and

23 (v) the preservation of the natural
24 characteristics of the land, in perpetuity.

1 (B) REVERSION.—If the land described in
2 subsection (c)(2) is used in a manner that is in-
3 consistent with the uses described in this para-
4 graph, the land shall, at the discretion of the
5 Secretary concerned, revert to the United
6 States.

7 (3) RECREATION AND PUBLIC PURPOSES.—

8 (A) IN GENERAL.—The land described in
9 subsection (c)(3) shall be managed by the
10 County for—

- 11 (i) undeveloped open space; and
12 (ii) recreation or other public pur-
13 poses consistent with the Act of June 14,
14 1926 (commonly known as the “Recreation
15 and Public Purposes Act”) (43 U.S.C. 869
16 et seq.).

17 (B) REVERSION.—If the land described in
18 subsection (c)(3) is used in a manner that is in-
19 consistent with the uses described in this para-
20 graph, the land shall, at the discretion of the
21 Secretary concerned, revert to the United
22 States.

23 (4) FOREST SERVICE RECREATION.—

1 (A) IN GENERAL.—The land described in
2 subsection (c)(4) shall be managed by the
3 County for—

- 4 (i) undeveloped open space;
5 (ii) customary agricultural practices;
6 (iii) wildlife protection; and
7 (iv) the preservation of the natural
8 characteristics of the land, in perpetuity.

9 (B) REVERSION.—If the land described in
10 subsection (c)(4) is used in a manner that is in-
11 consistent with the uses described in this para-
12 graph, the land shall, at the discretion of the
13 Secretary concerned, revert to the United
14 States.

15 **SEC. 305. SALE OF CERTAIN FEDERAL LAND.**

16 (a) IN GENERAL.—Notwithstanding sections 202 and
17 203 of the Federal Land Policy and Management Act of
18 1976 (43 U.S.C. 1712, 1713), the Secretary concerned
19 shall, in accordance with the other provisions of that Act
20 and any other applicable law, and subject to valid existing
21 rights, conduct one or more sales of the Federal land de-
22 scribed in subsection (b) to qualified bidders.

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

1 (1) the approximately 287 acres of public lands
2 as generally depicted on the Map as “BLM Lands
3 for Conveyance”; and

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

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

10 (B) is identified for disposal by the Sec-
11 retary concerned through—

12 (i) the Carson City Consolidated Re-
13 source Management Plan; or

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

17 (c) JOINT SELECTION REQUIRED.—The Secretary
18 concerned and the County shall jointly select which Fed-
19 eral land described in subsection (b)(2) to offer for sale
20 under subsection (a).

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

1 (1) County zoning ordinances; and

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

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

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

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

10 (f) RECREATION AND PUBLIC PURPOSES ACT CON-
11 VEYANCES.—

12 (1) IN GENERAL.—Not later than 30 days be-
13 fore any land described in subsection (b)(2)(B) is of-
14 fered for sale under subsection (a), the State or
15 County may elect to obtain the land for public pur-
16 poses in accordance with the Act of June 14, 1926
17 (commonly known as the “Recreation and Public
18 Purposes Act”) (43 U.S.C. 869 et seq.).

19 (2) RETENTION.—Pursuant to an election made
20 under paragraph (1), the Secretary concerned shall
21 retain the elected land for conveyance to the State
22 or County in accordance with the Act of June 14,
23 1926 (commonly known as the “Recreation and
24 Public Purposes Act”) (43 U.S.C. 869 et seq.).

25 (g) WITHDRAWAL.—

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

5 (A) all forms of entry and appropriation
6 under the public land laws and mining laws;

7 (B) location and patent under mining laws;
8 and

9 (C) operation of the mineral laws, geo-
10 thermal leasing laws, and mineral material
11 laws.

12 (2) EXCEPTION.—Paragraph (1)(A) shall not
13 apply to a sale made consistent with this section or
14 an election by the County or the State to obtain the
15 land described in subsection (b) for public purposes
16 under the Act of June 14, 1926 (commonly known
17 as the “Recreation and Public Purposes Act”) (43
18 U.S.C. 869 et seq.).

19 (h) DEADLINE FOR SALE.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), not later than 1 year after the date of en-
22 actment of this Act, if there is a qualified bidder for
23 the land described in subsection (b), the Secretary
24 concerned shall offer the land for sale to the quali-
25 fied bidder.

1 (2) POSTPONEMENT; EXCLUSION FROM SALE.—

2 At the request of the County, the Secretary con-
3 cerned may temporarily postpone or exclude from
4 the sale all or a portion of the land described in sub-
5 section (b).

6 (i) DISPOSITION OF PROCEEDS.—

7 (1) IN GENERAL.—Of the proceeds from the
8 sale of land under this section—

9 (A) 5 percent shall be disbursed to the
10 State for use by the State for general education
11 programs of the State;

12 (B) 10 percent shall be disbursed to the
13 County for use by the County to implement the
14 County Open Space and Agricultural Implemen-
15 tation Plan; and

16 (C) 85 percent shall be deposited in a spe-
17 cial account in the Treasury of the United
18 States, to be known as the “Douglas County
19 Special Account”, which shall be available to
20 the Secretary concerned until expended, without
21 further appropriation—

22 (i) to reimburse costs incurred by the
23 Secretary concerned in preparing for the
24 sale of the land described in subsection (b),
25 including—

1 (I) the costs of surveys and ap-
2 praisals; and

3 (II) compliance with the National
4 Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.) and sections 202
6 and 203 of the Federal Land Policy
7 and Management Act of 1976 (43
8 U.S.C. 1712, 1713);

9 (ii) to reimburse costs incurred by the
10 Bureau of Land Management and the For-
11 est Service in preparing for and carrying
12 out the transfers of land to be held in trust
13 by the United States under title II; and

14 (iii) to acquire environmentally sen-
15 sitive land or an interest in environ-
16 mentally sensitive land in the County, pur-
17 suant to the Douglas County Open Space
18 and Agricultural Lands Preservation Im-
19 plementation Plan that is undertaken with
20 full public involvement.

21 (j) AVAILABILITY OF FUNDS.—Section 4(e) of the
22 Southern Nevada Public Land Management Act of 1998
23 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;
24 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045; 123
25 Stat. 1114) is amended—

1 (1) in paragraph (3)(A)(iv), by striking “Clark,
2 Lincoln, and White Pine Counties and Washoe
3 County (subject to paragraph 4)) and Carson City
4 (subject to paragraph (5))” and inserting “Clark,
5 Lincoln, and White Pine Counties, Washoe County
6 (subject to paragraph (4)), Carson City subject to
7 paragraph (5)), and Douglas County (subject to
8 paragraph (6))”;

9 (2) in paragraph (3)(A)(v), by striking “Clark,
10 Lincoln, and White Pine Counties and Carson City
11 (subject to paragraph (5))” and inserting “Clark,
12 Lincoln, and White Pine Counties, Washoe County
13 (subject to paragraph (4)), Carson City (subject to
14 paragraph (5)), and Douglas County (subject to
15 paragraph (6))”; and

16 (3) by adding at the end the following:

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

22 “(A) within the Carson River watershed;

23 “(B) within the Walker River watershed;

24 or

1

“(C) for the protection of sage grouse.”.

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