

Calendar No. 172

113TH CONGRESS
1ST SESSION

S. 159

[Report No. 113–94]

To designate the Wovoka Wilderness and provide for certain land conveyances
in Lyon County, Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 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

SEPTEMBER 10, 2013

Reported by Mr. WYDEN, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To designate the Wovoka Wilderness and provide for certain
land conveyances in Lyon 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Lyon County Economic Development and Conservation
4 Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Land conveyance to Yerington, Nevada.
- Sec. 3. Addition to National Wilderness Preservation System.
- Sec. 4. Withdrawal.
- Sec. 5. Native American cultural and religious uses.

7 **SEC. 2. LAND CONVEYANCE TO YERINGTON, NEVADA.**

8 (a) DEFINITIONS.—In this section:

9 (1) CITY.—The term “City” means the city of
10 Yerington, Nevada.

11 (2) FEDERAL LAND.—The term “Federal land”
12 means the land located in Lyon County and Mineral
13 County, Nevada, that is identified on the map as
14 “City of Yerington Sustainable Development Con-
15 veyance Lands”.

16 (3) MAP.—The term “map” means the map en-
17 titled “Yerington Land Conveyance” and dated De-
18 cember 19, 2012.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (b) CONVEYANCES OF LAND TO CITY OF YERINGTON,
22 NEVADA.—

1 (1) IN GENERAL.—Not later than 180 days
 2 after the date of enactment of this Act, subject to
 3 valid existing rights *and to such terms and conditions*
 4 *as the Secretary determines to be necessary* and not-
 5 withstanding the land use planning requirements of
 6 sections 202 and 203 of the Federal Land Policy
 7 and Management Act of 1976 (43 U.S.C. 1712,
 8 1713), the Secretary shall convey to the City, sub-
 9 ject to the agreement of the City, all right, title, and
 10 interest of the United States in and to the Federal
 11 land identified on the map.

12 (2) APPRAISAL TO DETERMINE FAIR MARKET
 13 VALUE.—The Secretary shall determine the fair
 14 market value of the Federal land to be conveyed—

15 (A) in accordance with the Federal Land
 16 Policy and Management Act of 1976 (43 U.S.C.
 17 1701 et seq.); and

18 (B) based on an appraisal that is con-
 19 ducted in accordance with—

20 (i) the Uniform Appraisal Standards
 21 for Federal Land Acquisition; and

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

24 (3) AVAILABILITY OF MAP.—The map shall be
 25 on file and available for public inspection in the ap-

1 appropriate offices of the Bureau of Land Manage-
2 ment.

3 (4) APPLICABLE LAW.—Beginning on the date
4 on which the Federal land is conveyed to the City,
5 the development of and conduct of activities on the
6 Federal land shall be subject to all applicable Fed-
7 eral laws (including regulations).

8 (5) COSTS.—As a condition of the conveyance
9 of the Federal land under paragraph (1), the City
10 shall pay—

11 (A) an amount equal to the appraised
12 value determined in accordance with paragraph
13 (2); and

14 (B) all costs related to the conveyance, in-
15 cluding all surveys, appraisals, and other ad-
16 ministrative costs associated with the convey-
17 ance of the Federal land to the City under
18 paragraph (1).

19 **SEC. 3. ADDITION TO NATIONAL WILDERNESS PRESERVA-**
20 **TION SYSTEM.**

21 (a) FINDINGS.—Congress finds that—

22 (1) the area designated as the Wovoka Wilder-
23 ness by this section contains unique and spectacular
24 natural resources, including—

1 (A) priceless habitat for numerous species
2 of plants and wildlife;

3 (B) thousands of acres of land that remain
4 in a natural state; and

5 (C) habitat important to the continued
6 survival of the population of the greater sage
7 grouse of western Nevada and eastern Cali-
8 fornia (referred to in this section as the “Bi-
9 State population of greater sage-grouse”);

10 (2) continued preservation of those areas would
11 benefit the County and all of the United States by—

12 (A) ensuring the conservation of eco-
13 logically diverse habitat;

14 (B) protecting prehistoric cultural re-
15 sources;

16 (C) conserving primitive recreational re-
17 sources;

18 (D) protecting air and water quality; and

19 (E) protecting and strengthening the Bi-
20 State population of greater sage-grouse; and

21 (3) the Secretary of Agriculture should collabo-
22 rate with the Lyon County Commission and the local
23 community on wildfire and forest management plan-
24 ning and implementation with the goal of preventing
25 catastrophic wildfire and resource damage.

1 (b) DEFINITIONS.—In this section:

2 (1) COUNTY.—The term “County” means Lyon
3 County, Nevada.

4 (2) MAP.—The term “map” means the map en-
5 titled “Wovoka Wilderness Area” and dated Decem-
6 ber 18, 2012.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

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

11 (5) WILDERNESS.—The term “Wilderness”
12 means the Wovoka Wilderness designated by sub-
13 section (c)(1).

14 (c) ADDITIONS TO NATIONAL WILDERNESS PRESER-
15 VATION SYSTEM.—

16 (1) DESIGNATION.—In furtherance of the pur-
17 poses of the Wilderness Act (16 U.S.C. 1131 et
18 seq.), the Federal land managed by the Forest Serv-
19 ice, as generally depicted on the Map, is designated
20 as wilderness and as a component of the National
21 Wilderness Preservation System, to be known as the
22 “Wovoka Wilderness”.

23 (2) BOUNDARY.—The boundary of any portion
24 of the Wilderness that is bordered by a road shall
25 be 150 feet from the centerline of the road.

1 (3) MAP AND LEGAL DESCRIPTION.—

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

6 (B) EFFECT.—The map and legal descrip-
7 tion prepared under subparagraph (A) shall
8 have the same force and effect as if included in
9 this section, except that the Secretary may cor-
10 rect any clerical and typographical errors in the
11 map or legal description.

12 (C) AVAILABILITY.—Each map and legal
13 description prepared under subparagraph (A)
14 shall be on file and available for public inspec-
15 tion in the appropriate offices of the Forest
16 Service.

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

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

21 (B) location, entry, and patent under the
22 mining laws; and

23 (C) disposition under all laws relating to
24 mineral and geothermal leasing or mineral ma-
25 terials.

1 (d) ADMINISTRATION.—

2 (1) MANAGEMENT.—Subject to valid existing
3 rights, the Wilderness shall be administered by the
4 Secretary in accordance with the Wilderness Act (16
5 U.S.C. 1131 et seq.), except that any reference in
6 that Act to the effective date shall be considered to
7 be a reference to the date of enactment of this Act.

8 (2) LIVESTOCK.—The grazing of livestock in
9 the Wilderness, if established before the date of en-
10 actment of this Act, shall be allowed to continue,
11 subject to such reasonable regulations, policies, and
12 practices as the Secretary considers to be necessary,
13 in accordance with—

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

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

21 (3) INCORPORATION OF ACQUIRED LAND AND
22 INTERESTS.—Any land or interest in land within the
23 boundary of the Wilderness that is acquired by the
24 United States after the date of enactment of this

1 Act shall be added to and administered as part of
2 the Wilderness.

3 (4) ADJACENT MANAGEMENT.—

4 (A) IN GENERAL.—Congress does not in-
5 tend for the designation of the Wilderness to
6 create a protective perimeter or buffer zone
7 around the Wilderness.

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

13 ~~(5) OVERFLIGHTS.—Nothing in this section re-~~
14 ~~stricts or precludes—~~

15 ~~(A) low-level overflights of aircraft over the~~
16 ~~Wilderness, including military overflights that~~
17 ~~can be seen or heard within the Wilderness;~~

18 ~~(B) flight testing and evaluation; or~~

19 ~~(C) the designation or creation of new~~
20 ~~units of special use airspace, or the establish-~~
21 ~~ment of military flight training routes, over the~~
22 ~~Wilderness.~~

23 (5) OVERFLIGHTS.—

24 (A) MILITARY OVERFLIGHTS.—*Nothing in*
25 *this Act restricts or precludes—*

1 (i) *low-level overflights of military air-*
 2 *craft over the Wilderness, including mili-*
 3 *tary overflights that can be seen or heard*
 4 *within the Wilderness;*

5 (ii) *flight testing and evaluation; or*

6 (iii) *the designation or creation of new*
 7 *units of special airspace, or the establish-*
 8 *ment of military flight training routes, over*
 9 *the Wilderness.*

10 (B) *EXISTING AIRSTRIPS.*—*Nothing in this*
 11 *Act restricts or precludes low-level overflights by*
 12 *aircraft originating from airstrips in existence*
 13 *on the date of enactment of this Act that are lo-*
 14 *cated within 5 miles of the proposed boundary of*
 15 *the Wilderness.*

16 (6) WILDFIRE, INSECT, AND DISEASE MANAGE-
 17 MENT.—In accordance with section 4(d)(1) of the
 18 Wilderness Act (16 U.S.C. 1133(d)(1)), the Sec-
 19 retary may take any measures in the Wilderness
 20 that the Secretary determines to be necessary for
 21 the control of fire, insects, and diseases, including,
 22 as the Secretary determines to be appropriate, the
 23 coordination of the activities with a State or local
 24 agency.

25 (7) WATER RIGHTS.—

1 (A) FINDINGS.—Congress finds that—

2 (i) the Wilderness is located—

3 (I) in the semiarid region of the
4 Great Basin; and

5 (II) at the headwaters of the
6 streams and rivers on land with re-
7 spect to which there are few—

8 (aa) actual or proposed
9 water resource facilities located
10 upstream; and

11 (bb) opportunities for diver-
12 sion, storage, or other uses of
13 water occurring outside the land
14 that would adversely affect the
15 wilderness values of the land;

16 (ii) the Wilderness is generally not
17 suitable for use or development of new
18 water resource facilities; and

19 (iii) because of the unique nature of
20 the Wilderness, it is possible to provide for
21 proper management and protection of the
22 wilderness and other values of land in ways
23 different from those used in other laws.

24 (B) PURPOSE.—The purpose of this para-
25 graph is to protect the wilderness values of the

1 Wilderness by means other than a federally re-
2 served water right.

3 (C) STATUTORY CONSTRUCTION.—Nothing
4 in this paragraph—

5 (i) constitutes an express or implied
6 reservation by the United States of any
7 water or water rights with respect to the
8 Wilderness;

9 (ii) affects any water rights in the
10 State (including any water rights held by
11 the United States) in existence on the date
12 of enactment of this Act;

13 (iii) establishes a precedent with re-
14 gard to any future wilderness designations;

15 (iv) affects the interpretation of, or
16 any designation made under, any other
17 Act; or

18 (v) limits, alters, modifies, or amends
19 any interstate compact or equitable appor-
20 tionment decree that apportions water
21 among and between the State and other
22 States.

23 (D) NEVADA WATER LAW.—The Secretary
24 shall follow the procedural and substantive re-
25 quirements of State law in order to obtain and

1 hold any water rights not in existence on the
 2 date of enactment of this Act with respect to
 3 the Wilderness.

4 (E) NEW PROJECTS.—

5 (i) DEFINITION OF WATER RESOURCE
 6 FACILITY.—

7 (I) IN GENERAL.—In this sub-
 8 paragraph, the term “water resource
 9 facility” means irrigation and pump-
 10 ing facilities, reservoirs, water con-
 11 servation works, aqueducts, canals,
 12 ditches, pipelines, wells, hydropower
 13 projects, transmission and other ancil-
 14 lary facilities, and other water diver-
 15 sion, storage, and carriage structures.

16 (II) EXCLUSION.—In this sub-
 17 paragraph, the term “water resource
 18 facility” does not include wildlife guz-
 19 zlers.

20 (ii) RESTRICTION ON NEW WATER RE-
 21 SOURCE FACILITIES.—

22 (I) IN GENERAL.—Except as oth-
 23 erwise provided in this section, on or
 24 after the date of enactment of this
 25 Act, no officer, employee, or agent of

1 the United States shall fund, assist,
2 authorize, or issue a license or permit
3 for the development of any new water
4 resource facility within the Wilder-
5 ness, any portion of which is located
6 in the County.

7 (II) EXCEPTION.—If a permittee
8 within the Bald Mountain grazing al-
9 lotment submits an application for the
10 development of water resources for
11 the purpose of livestock watering by
12 the date that is 10 years after the
13 date of enactment of this Act, the
14 Secretary shall issue a water develop-
15 ment permit within the non-wilderness
16 boundaries of the Bald Mountain
17 grazing allotment for the purposes of
18 carrying out activities under para-
19 graph (2).

20 (8) NONWILDERNESS ROADS.—Nothing in this
21 Act prevents the Secretary from implementing or
22 amending a final travel management plan.

23 (e) WILDLIFE MANAGEMENT.—

24 (1) IN GENERAL.—In accordance with section
25 4(d)(7) of the Wilderness Act (16 U.S.C.

1 1133(d)(7)), nothing in this section affects or dimin-
2 ishes the jurisdiction of the State with respect to
3 fish and wildlife management, including the regula-
4 tion of hunting, fishing, and trapping, in the Wilder-
5 ness.

6 (2) MANAGEMENT ACTIVITIES.—In furtherance
7 of the purposes and principles of the Wilderness Act
8 (16 U.S.C. 1131 et seq.), the Secretary may conduct
9 any management activities in the Wilderness that
10 are necessary to maintain or restore fish and wildlife
11 populations and the habitats to support the popu-
12 lations, if the activities are carried out—

13 (A) consistent with relevant wilderness
14 management plans; and

15 (B) in accordance with—

16 (i) the Wilderness Act (16 U.S.C.
17 1131 et seq.); and

18 (ii) appropriate policies, such as those
19 set forth in Appendix B of the report of
20 the Committee on Interior and Insular Af-
21 fairs of the House of Representatives ac-
22 companying H.R. 2570 of the 101st Con-
23 gress (House Report 101–405), including
24 the occasional and temporary use of motor-
25 ized vehicles and aircraft, if the use, as de-

1 terminated by the Secretary, would promote
2 healthy, viable, and more naturally distrib-
3 uted wildlife populations that would en-
4 hance wilderness values with the minimal
5 impact necessary to reasonably accomplish
6 those tasks.

7 (3) EXISTING ACTIVITIES.—Consistent with
8 section 4(d)(1) of the Wilderness Act (16 U.S.C.
9 1133(d)(1)) and in accordance with appropriate poli-
10 cies such as those set forth in Appendix B of House
11 Report 101–405, the State may continue to use air-
12 craft, including helicopters, to survey, capture,
13 transplant, monitor, and provide water for wildlife
14 populations in the Wilderness.

15 (4) HUNTING, FISHING, AND TRAPPING.—

16 (A) IN GENERAL.—The Secretary may des-
17 ignate areas in which, and establish periods
18 during which, for reasons of public safety, ad-
19 ministration, or compliance with applicable
20 laws, no hunting, fishing, or trapping will be
21 permitted in the Wilderness.

22 (B) CONSULTATION.—Except in emer-
23 gencies, the Secretary shall consult with the ap-
24 propriate State agency and notify the public be-

1 fore making any designation under paragraph
2 (1).

3 (5) AGREEMENT.—The State, including a des-
4 ignee of the State, may conduct wildlife management
5 activities in the Wilderness—

6 (A) in accordance with the terms and con-
7 ditions specified in the cooperative agreement
8 between the Secretary and the State entitled
9 “Memorandum of Understanding: Inter-
10 mountain Region USDA Forest Service and the
11 Nevada Department of Wildlife State of Ne-
12 vada” and signed by the designee of the State
13 on February 6, 1984, and by the designee of
14 the Secretary on January 24, 1984, including
15 any amendments, appendices, or additions to
16 the agreement agreed to by the Secretary and
17 the State or a designee; and

18 (B) subject to all applicable laws (including
19 regulations).

20 (f) WILDLIFE WATER DEVELOPMENT PROJECTS.—
21 Subject to subsection (d), the Secretary shall authorize
22 structures and facilities, including existing structures and
23 facilities, for wildlife water development projects (includ-
24 ing guzzlers) in the Wilderness if—

1 (1) the structures and facilities will, as deter-
 2 mined by the Secretary, enhance wilderness values
 3 by promoting healthy, viable, and more naturally
 4 distributed wildlife populations; and

5 (2) the visual impacts of the structures and fa-
 6 cilities on the Wilderness can reasonably be mini-
 7 mized.

8 **SEC. 4. WITHDRAWAL.**

9 (a) DEFINITION OF WITHDRAWAL AREA.—In this
 10 section, the term “Withdrawal Area” means the land ad-
 11 ministered by the Forest Service and identified as “With-
 12 drawal Area” on the map described in section 3(b)(2).

13 (b) WITHDRAWAL.—Subject to valid existing rights,
 14 all Federal land within the Withdrawal Area is withdrawn
 15 from all forms of—

16 (1) entry, appropriation, or disposal under the
 17 public land laws;

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

20 (3) operation of the mineral laws, geothermal
 21 leasing laws, and mineral materials laws.

22 (c) MOTORIZED AND MECHANICAL VEHICLES.—

23 (1) IN GENERAL.—Subject to paragraph (2),
 24 use of motorized and mechanical vehicles in the
 25 Withdrawal Area shall be permitted only on roads

1 and trails designated for the use of those vehicles,
2 unless the use of those vehicles is needed—

3 (A) for administrative purposes; or

4 (B) to respond to an emergency.

5 (2) EXCEPTION.—Paragraph (1) does not apply
6 to aircraft (including helicopters).

7 **SEC. 5. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
8 **USES.**

9 Nothing in this Act alters or diminishes the treaty
10 rights of any Indian tribe.

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