

Calendar No. 708115TH CONGRESS
2^D SESSION**S. 414****[Report No. 115–409]**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2017

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

DECEMBER 4, 2018

Reported by Ms. MURKOWSKI, without amendment

A BILL

To promote conservation, improve public land management, and provide for sensible development in Pershing 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 “Pershing County Economic Development and Conserva-
4 tion Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—CHECKERBOARD LAND RESOLUTION

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Sale or exchange of eligible land.

Sec. 104. Disposition of proceeds.

TITLE II—LAND CONVEYANCES AND TRANSFERS

Sec. 201. Conveyances of covered land.

Sec. 202. Conveyance of land for use as a public cemetery.

TITLE III—WILDERNESS AREAS

Sec. 301. Additions to the National Wilderness Preservation System.

Sec. 302. Administration.

Sec. 303. Wildlife management.

Sec. 304. Release of wilderness study areas.

Sec. 305. Native American cultural and religious uses.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) COUNTY.—The term “County” means Per-
10 shing County, Nevada.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

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

1 (4) WILDERNESS AREA.—The term “wilderness
2 area” means a wilderness area designated by section
3 301(a).

4 **TITLE I—CHECKERBOARD LAND** 5 **RESOLUTION**

6 **SEC. 101. FINDINGS.**

7 Congress finds that—

8 (1) since the passage of the Act of July 1, 1862
9 (12 Stat. 489, chapter 120) (commonly known as
10 the “Pacific Railway Act of 1862”), under which
11 railroad land grants along the Union Pacific Rail-
12 road right-of-way created a checkerboard land pat-
13 tern of alternating public land and privately owned
14 land, management of the land in the checkerboard
15 area has been a constant source of frustration for
16 both private landholders and the Federal Govern-
17 ment;

18 (2) management of Federal land in the checker-
19 board area has been costly and difficult for the Fed-
20 eral land management agencies, creating a disincen-
21 tive to manage the land effectively;

22 (3) parcels of land within the checkerboard area
23 in the County will not vary significantly in appraised
24 value by acre due to the similarity of highest and
25 best use in the County; and

1 (4) consolidation of appropriate land within the
2 checkerboard area through sales and as acre-for-acre
3 exchanges for development and Federal management
4 will—

5 (A) help improve the tax base of the Coun-
6 ty; and

7 (B) simplify management for the Federal
8 Government.

9 **SEC. 102. DEFINITIONS.**

10 In this title:

11 (1) ELIGIBLE LAND.—The term “eligible land”
12 means—

13 (A) any land administered by the Director
14 of the Bureau of Land Management that is
15 within the area identified on the Map as
16 “Checkerboard Lands Resolution Area” that is
17 designated for disposal by the Secretary
18 through—

19 (i) the Winnemucca Consolidated Re-
20 source Management Plan; or

21 (ii) any subsequent amendment or re-
22 vision to the management plan that is un-
23 dertaken with full public involvement; and

24 (B) the land identified on the Map as “Ad-
25 ditional Lands Eligible for Disposal”.

1 (2) MAP.—The term “Map” means the map en-
2 titled “Pershing County Checkerboard Lands Reso-
3 lution” and dated February 9, 2017.

4 **SEC. 103. SALE OR EXCHANGE OF ELIGIBLE LAND.**

5 (a) AUTHORIZATION OF CONVEYANCE.—Notwith-
6 standing sections 202 and 203, subsections (b) through
7 (i) of section 206, and section 209 of the Federal Land
8 Policy and Management Act of 1976 (43 U.S.C. 1712,
9 1713, 1716, 1719), the Secretary, in cooperation with the
10 County, in accordance with this Act and any other applica-
11 ble law, and subject to valid existing rights, shall conduct
12 sales or exchanges of the eligible land.

13 (b) JOINT SELECTION REQUIRED.—The Secretary
14 and the County shall jointly select which parcels of eligible
15 land to offer for sale or exchange under subsection (a).

16 (c) COMPLIANCE WITH LOCAL PLANNING AND ZON-
17 ING LAWS.—Before carrying out a sale or exchange under
18 subsection (a), the County shall submit to the Secretary
19 a certification that qualified bidders have agreed to comply
20 with—

21 (1) local zoning ordinances; and

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

24 (d) METHOD OF SALE OR EXCHANGE.—

1 (1) IN GENERAL.—The sale or exchange of eli-
2 gible land under subsection (a) shall be—

3 (A) consistent with subsections (b), (d),
4 and (f) of section 203 and section 206(a) of the
5 Federal Land Policy and Management Act of
6 1976 (43 U.S.C. 1713, 1716(a)); and

7 (B) conducted through—

8 (i) a sale, which shall be—

9 (I) through a competitive bidding
10 process, under which adjoining land-
11 owners are offered the first option,
12 unless otherwise determined by the
13 Secretary;

14 (II) for not less than fair market
15 value, based on an appraisal in ac-
16 cordance with the Uniform Standards
17 of Professional Appraisal Practice;
18 and

19 (III) conducted in accordance
20 with subsection (f); or

21 (ii) subject to paragraph (3), an acre-
22 for-acre exchange for private land located
23 within a Management Priority Area identi-
24 fied under paragraph (4)(A).

1 (2) MASS APPRAISAL.—Not later than 1 year
2 after the date of enactment of this Act, and every
3 5 years thereafter, the Secretary shall—

4 (A) conduct a mass appraisal of the eligi-
5 ble land to determine whether any parcel of eli-
6 gible land is likely valued at equal to or greater
7 than \$500 per acre (in 2017 constant dollars,
8 as measured by the Consumer Price Index);
9 and

10 (B) make available to the public the results
11 of the mass appraisal conducted under subpara-
12 graph (A).

13 (3) EXCLUSION.—

14 (A) IN GENERAL.—If the Secretary deter-
15 mines that a parcel of eligible land is likely val-
16 ued at equal to or greater than \$500 per acre
17 (in 2017 constant dollars, as measured by the
18 Consumer Price Index) under paragraph
19 (2)(A), the Secretary shall exclude that parcel
20 from the acre-for-acre exchange described in
21 paragraph (1)(B)(ii).

22 (B) PUBLICATION IN FEDERAL REG-
23 ISTER.—If a mass appraisal of eligible land
24 under paragraph (2)(A) is not finalized, or up-
25 to-date and publicly available, before an acre-

1 for-acre exchange described in paragraph
2 (1)(B)(ii) is completed, the Secretary may final-
3 ize the exchange if the Secretary publishes in
4 the Federal Register—

5 (i) a determination stating that the
6 one or more parcels of eligible land in-
7 cluded in the exchange are likely valued at
8 less than \$500 per acre (in 2017 constant
9 dollars, as measured by the Consumer
10 Price Index); and

11 (ii) a description of the methodology
12 used to arrive at that determination.

13 (4) MANAGEMENT PRIORITY AREAS.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), not later than 1 year after the date
16 of enactment of this Act, for the purpose of the
17 exchanges authorized under paragraph
18 (1)(B)(ii), the Secretary—

19 (i) shall identify Management Priority
20 Areas within the Checkerboard Lands Res-
21 olution Area, as identified on the Map,
22 that are considered by the Secretary to
23 be—

24 (I) greater sage-grouse habitat;

1 (II) part of an identified wildlife
2 corridor or designated critical habitat;

3 (III) of value for outdoor recre-
4 ation or public access for hunting,
5 fishing, and other recreational pur-
6 poses;

7 (IV) of significant cultural, his-
8 toric, ecological, or scenic value; or

9 (V) of value for improving Fed-
10 eral land management; and

11 (ii) as appropriate, may identify addi-
12 tional management priority areas in the
13 County any time after the identification
14 under clause (i) is completed.

15 (B) LIMITATION.—Management of Federal
16 land within any Management Priority Area
17 identified under subparagraph (A) shall not be
18 changed based solely on that identification.

19 (e) WITHDRAWAL.—

20 (1) IN GENERAL.—Subject to valid existing
21 rights and mining claims for which the claims main-
22 tenance fees have been paid in the applicable assess-
23 ment year, effective on the date on which a parcel
24 of eligible land is selected for sale or exchange under
25 subsection (b), that parcel is withdrawn from—

1 (A) all forms of entry and appropriation
2 under the public land laws, including the min-
3 ing laws;

4 (B) location, entry, and patent under the
5 mining laws; and

6 (C) operation of the mineral leasing and
7 geothermal leasing laws.

8 (2) TERMINATION.—The withdrawal of a parcel
9 of eligible land under paragraph (1) shall termi-
10 nate—

11 (A) on the date of sale or, in the case of
12 exchange, the conveyance of title of the parcel
13 of eligible land under this title; or

14 (B) with respect to any parcel of eligible
15 land selected for sale or exchange under sub-
16 section (b) that is not sold or exchanged, not
17 later than 2 years after the date on which the
18 parcel was offered for sale or exchange under
19 this title.

20 (f) PARAMETERS FOR SALE OR EXCHANGE.—

21 (1) SALES.—

22 (A) DEADLINE.—Except as provided in
23 paragraph (3), not later than 1 year after the
24 date of enactment of this Act, and not less fre-
25 quently than once per year thereafter until the

1 date on which the limitation in subparagraph
2 (B) has been reached or the date on which the
3 County requests a postponement under para-
4 graph (3), the Secretary shall offer for sale the
5 parcels of eligible land jointly selected under
6 subsection (b).

7 (B) LIMITATION.—The total acreage of eli-
8 gible land sold under this title shall consist of
9 not more than 150,000 acres of eligible land.

10 (2) DEADLINE FOR EXCHANGES.—Except as
11 provided in paragraph (3), not later than 1 year
12 after the date on which the Management Priority
13 Areas are identified under subsection (d)(4)(A), and
14 not less frequently than once per year thereafter
15 until the date on which all of the parcels of eligible
16 land have been disposed of or the date on which the
17 County requests a postponement under paragraph
18 (3), the Secretary shall offer for exchange the par-
19 cels of eligible land jointly selected under subsection
20 (b).

21 (3) POSTPONEMENT; EXCLUSION FOR SALE OR
22 EXCHANGE.—

23 (A) REQUEST BY COUNTY FOR POSTPONE-
24 MENT OR EXCLUSION.—At the request of the
25 County, the Secretary shall postpone or exclude

1 from a sale or exchange all or a portion of the
2 eligible land jointly selected under subsection
3 (b).

4 (B) INDEFINITE POSTPONEMENT.—Unless
5 specifically requested by the County, a post-
6 ponement under subparagraph (A) shall not be
7 indefinite.

8 (C) POSTPONEMENT OR EXCLUSION BY
9 THE SECRETARY.—The Secretary may postpone
10 or exclude from a sale or exchange all or a por-
11 tion of the eligible land jointly selected under
12 subsection (b) for emergency ecological or safe-
13 ty reasons.

14 **SEC. 104. DISPOSITION OF PROCEEDS.**

15 (a) DISPOSITION OF PROCEEDS.—Of the proceeds
16 from the sale of land under section 103 or 201—

17 (1) 5 percent shall be disbursed to the State for
18 use in the general education program of the State;

19 (2) 10 percent shall be disbursed to the County
20 for use as determined through normal County budg-
21 eting procedures; and

22 (3) the remainder shall be deposited in a special
23 account in the Treasury of the United States, to be
24 known as the “Pershing County Special Account”,

1 which shall be available to the Secretary, in con-
2 sultation with the County, for—

3 (A) the reimbursement of costs incurred by
4 the Department of the Interior in preparing for
5 the sale or exchange of the eligible land, includ-
6 ing—

7 (i) the costs of surveys and appraisals;

8 and

9 (ii) the costs of compliance with the
10 National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) and sec-
12 tions 202 and 203 of the Federal Land
13 Policy and Management Act of 1976 (43
14 U.S.C. 1712, 1713);

15 (B) the conduct of wildlife habitat con-
16 servation and restoration projects, including
17 projects that benefit the greater sage-grouse in
18 the County;

19 (C) a project or activity carried out in the
20 County to address drought conditions;

21 (D) the implementation of wildfire
22 presuppression and restoration projects in the
23 County;

1 (E) the acquisition of environmentally sen-
2 sitive land or interests in environmentally sen-
3 sitive land in the County;

4 (F) projects that secure public access to
5 Federal land for hunting, fishing, and other
6 recreational purposes through easements or
7 rights-of-way in the County; and

8 (G) the conduct of any surveys related to
9 the designation of the wilderness areas under
10 title III.

11 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any
12 amounts deposited in the special account established
13 under subsection (a)(3)—

14 (1) shall earn interest in an amount determined
15 by the Secretary of the Treasury, based on the cur-
16 rent average market yield on outstanding marketable
17 obligations of the United States of comparable ma-
18 turities; and

19 (2) may be expended by the Secretary in ac-
20 cordance with this section.

21 (c) REPORTS.—

22 (1) IN GENERAL.—Beginning with fiscal year
23 2020, and once every 5 fiscal years thereafter, not
24 later than 60 days after the last day of the pre-
25 ceding fiscal year, the Secretary shall submit to the

1 State, the County, and the appropriate committees
2 of Congress a report on the operation of the special
3 account established under subsection (a)(3) for the
4 preceding 5 fiscal years.

5 (2) CONTENTS.—Each report submitted under
6 paragraph (1) shall include, for the fiscal year cov-
7 ered by the report—

8 (A) a statement of the amounts deposited
9 into the special account;

10 (B) a description of the expenditures made
11 from the special account for the fiscal year, in-
12 cluding the purpose of the expenditures;

13 (C) recommendations for additional au-
14 thorities to fulfill the purpose of the special ac-
15 count; and

16 (D) a statement of the balance remaining
17 in the special account at the end of the fiscal
18 year.

19 **TITLE II—LAND CONVEYANCES** 20 **AND TRANSFERS**

21 **SEC. 201. CONVEYANCES OF COVERED LAND.**

22 (a) DEFINITIONS.—In this section:

23 (1) COVERED LAND.—The term “covered land”
24 means any Federal land or interest in Federal land

1 in the County identified on the Map as “Covered
2 Land”.

3 (2) MAP.—The term “Map” means the map en-
4 titled “Pershing County Land Conveyances and
5 Transfers” and dated February 9, 2017.

6 (3) QUALIFIED ENTITY.—The term “qualified
7 entity” means, with respect to a portion of covered
8 land—

9 (A) the owner of the mining claims, mill-
10 sites, or tunnel sites on a portion of the covered
11 land on the date of enactment of this Act;

12 (B) the lessee, or other successor in inter-
13 est of the owner—

14 (i) with the right of possession of the
15 mining claims, millsites, or tunnel sites on
16 the covered land;

17 (ii) that has paid (or whose agent has
18 paid) the annual claim maintenance fee or
19 filed a maintenance fee waiver on or before
20 September 1, 2016, with the authority or
21 consent of the owner, for the upcoming as-
22 sessment year for the mining claims, mill-
23 sites, or tunnel sites within the exterior
24 boundary of the portion of covered land, as
25 determined based on the claim mainte-

1 nance fee records of the Bureau of Land
2 Management as of the date of introduction
3 of this Act; and

4 (iii) that has the authority or consent
5 of the owner to acquire the portion of cov-
6 ered land; or

7 (C) a subsequent successor to the interest
8 of a qualified entity in the covered land that
9 has the authority or consent of the owner to ac-
10 quire the portion of covered land.

11 (b) LAND CONVEYANCES.—

12 (1) IN GENERAL.—Subject to paragraph (3),
13 notwithstanding the inventory and land use planning
14 requirements of sections 201 and 202 or the sales
15 provisions of section 203 of the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C. 1711,
17 1712, 1713), not later than 180 days after the date
18 of enactment of this Act and subject to valid existing
19 rights held by third parties and any mining claims,
20 millsite, or tunnel site of a qualified entity applicable
21 to the covered land, the Secretary shall offer for sale
22 to qualified entities, for fair market value, the re-
23 maining right, title, and interest of the United
24 States in and to the covered land.

1 (2) CONVEYANCE.—Not later than 1 year after
2 the date of the acceptance of an offer under para-
3 graph (1) by a qualified entity and completion of a
4 sale for all or part of the covered land to a qualified
5 entity, the Secretary, by delivery of an appropriate
6 deed, patent, or other valid instrument of convey-
7 ance, shall convey to the qualified entity, all remain-
8 ing right, title, and interest of the United States in
9 and to the applicable portion of the covered land.

10 (3) MERGER.—Subject to valid existing rights
11 held by third parties, on delivery of the instrument
12 of conveyance to the qualified entity under para-
13 graph (2), any prior interests in the locatable min-
14 erals and the right to use the surface for mineral
15 purposes held by the qualified entity under a mining
16 claim, millsite, tunnel site, or any other Federal land
17 use authorization applicable to the covered land con-
18 veyed to the qualified entity shall merge with all
19 right, title, and interest conveyed to the qualified en-
20 tity by the United States under this section to en-
21 sure that the qualified entity receives fee simple title
22 to the purchased covered land.

23 (4) APPRAISAL TO DETERMINE FAIR MARKET
24 VALUE.—The Secretary shall determine the fair

1 market value of the covered land to be conveyed
2 under this subsection in accordance with—

3 (A) the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

5 (B) the Uniform Standards of Professional
6 Appraisal Practice.

7 (5) COSTS.—As a condition of the conveyance
8 of the covered land under this section, the qualified
9 entity shall pay all costs related to the conveyance
10 of the covered land conveyed, including the costs of
11 surveys and other administrative costs associated
12 with the conveyance.

13 (6) AVAILABILITY OF MAP.—The Map shall be
14 on file and available for public inspection in the ap-
15 propriate offices of the Bureau of Land Manage-
16 ment.

17 (7) MINOR CORRECTIONS.—The Secretary, in
18 consultation with the County, may correct minor er-
19 rors in the Map or a description of the covered land.

20 (c) DISPOSITION OF PROCEEDS.—Any amounts col-
21 lected under this section shall be disposed of in accordance
22 with section 104.

23 (d) TERMINATION.—The authority of the Secretary
24 to sell covered land under this section shall terminate on

1 the date that is 10 years after the date of enactment of
2 this Act.

3 **SEC. 202. CONVEYANCE OF LAND FOR USE AS A PUBLIC**
4 **CEMETERY.**

5 (a) IN GENERAL.—The Secretary shall convey to the
6 County, without consideration, the Federal land described
7 in subsection (b).

8 (b) DESCRIPTION OF FEDERAL LAND.—The Federal
9 land referred to in subsection (a) is the approximately 10
10 acres of land depicted as “Unionville Cemetery” on the
11 Map.

12 (c) USE OF CONVEYED LAND.—The Federal land
13 conveyed under subsection (a) shall be used by the County
14 as a public cemetery.

15 **TITLE III—WILDERNESS AREAS**

16 **SEC. 301. ADDITIONS TO THE NATIONAL WILDERNESS**
17 **PRESERVATION SYSTEM.**

18 (a) ADDITIONS.—In accordance with the Wilderness
19 Act (16 U.S.C. 1131 et seq.), the following parcels of Fed-
20 eral land in the State are designated as wilderness and
21 as components of the National Wilderness Preservation
22 System:

23 (1) CAIN MOUNTAIN WILDERNESS.—Certain
24 Federal land managed by the Bureau of Land Man-
25 agement, comprising approximately 12,339 acres, as

1 generally depicted on the map entitled “Proposed
2 Cain Mountain Wilderness” and dated February 9,
3 2017, which shall be known as the “Cain Mountain
4 Wilderness”.

5 (2) BLUEWING WILDERNESS.—Certain Federal
6 land managed by the Bureau of Land Management,
7 comprising approximately 24,900 acres, as generally
8 depicted on the map entitled “Proposed Bluewing
9 Wilderness” and dated February 9, 2017, which
10 shall be known as the “Bluewing Wilderness”.

11 (3) SELENITE PEAK WILDERNESS.—Certain
12 Federal land managed by the Bureau of Land Man-
13 agement, comprising approximately 22,822 acres, as
14 generally depicted on the map entitled “Proposed
15 Selenite Peak Wilderness” and dated February 9,
16 2017, which shall be known as the “Selenite Peak
17 Wilderness”.

18 (4) MOUNT LIMBO WILDERNESS.—Certain Fed-
19 eral land managed by the Bureau of Land Manage-
20 ment, comprising approximately 11,855 acres, as
21 generally depicted on the map entitled “Proposed
22 Mt. Limbo Wilderness” and dated February 9,
23 2017, which shall be known as the “Mount Limbo
24 Wilderness”.

1 (5) NORTH SAHWAVE WILDERNESS.—Certain
2 Federal land managed by the Bureau of Land Man-
3 agement, comprising approximately 13,875 acres, as
4 generally depicted on the map entitled “Proposed
5 North Sahwave Wilderness” and dated February 9,
6 2017, which shall be known as the “North Sahwave
7 Wilderness”.

8 (6) GRANDFATHERS’ WILDERNESS.—Certain
9 Federal land managed by the Bureau of Land Man-
10 agement, comprising approximately 35,339 acres, as
11 generally depicted on the map entitled “Proposed
12 Grandfathers’ Wilderness” and dated February 9,
13 2017, which shall be known as the “Grandfathers’
14 Wilderness”.

15 (7) FENCEMAKER WILDERNESS.—Certain Fed-
16 eral land managed by the Bureau of Land Manage-
17 ment, comprising approximately 14,942 acres, as
18 generally depicted on the map entitled “Proposed
19 Fencemaker Wilderness” and dated February 9,
20 2017, which shall be known as the “Fencemaker
21 Wilderness”.

22 (b) BOUNDARY.—The boundary of any portion of a
23 wilderness area that is bordered by a road shall be 100
24 feet from the centerline of the road.

25 (c) MAP AND LEGAL DESCRIPTION.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary
3 shall file a map and legal description of each wilder-
4 ness area.

5 (2) EFFECT.—Each map and legal description
6 prepared under paragraph (1) shall have the same
7 force and effect as if included in this Act, except
8 that the Secretary may correct clerical and typo-
9 graphical errors in the map or legal description.

10 (3) AVAILABILITY.—Each map and legal de-
11 scription prepared under paragraph (1) shall be on
12 file and available for public inspection in the appro-
13 priate offices of the Bureau of Land Management.

14 (4) WITHDRAWAL.—Subject to valid existing
15 rights, the wilderness areas designated by subsection
16 (a) are withdrawn from—

17 (A) all forms of entry, appropriation, and
18 disposal under the public land laws;

19 (B) location, entry, and patent under the
20 mining laws; and

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

1 **SEC. 302. ADMINISTRATION.**

2 (a) **MANAGEMENT.**—Subject to valid existing rights,
3 the wilderness areas shall be administered by the Sec-
4 retary 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.

12 (b) **LIVESTOCK.**—The grazing of livestock in the wil-
13 derness areas, if established before the date of enactment
14 of this Act, shall be allowed to continue, subject to such
15 reasonable regulations, policies, and practices as the Sec-
16 retary 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 boundary
26 of a wilderness area 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 area.

3 (d) ADJACENT MANAGEMENT.—

4 (1) IN GENERAL.—Congress does not intend for
5 the designation of the wilderness areas to create pro-
6 tective perimeters or buffer zones around the wilder-
7 ness areas.

8 (2) NONWILDERNESS ACTIVITIES.—The fact
9 that nonwilderness activities or uses can be seen or
10 heard from areas within a wilderness area shall not
11 preclude the conduct of those activities or uses out-
12 side the boundary of the wilderness area.

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

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

19 (2) flight testing and evaluation; or

20 (3) the designation or creation of new units of
21 special use airspace, or the establishment of military
22 flight training routes, over the wilderness areas.

23 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-
24 MENT.—In accordance with section 4(d)(1) of the Wilder-
25 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take

1 such measures in the wilderness areas as are necessary
 2 for the control of fire, insects, and diseases (including, as
 3 the Secretary determines to be appropriate, the coordina-
 4 tion of the activities with a State or local agency).

5 (g) CLIMATOLOGICAL DATA COLLECTION.—In ac-
 6 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
 7 and subject to such terms and conditions as the Secretary
 8 may prescribe, the Secretary may authorize the installa-
 9 tion and maintenance of hydrologic, meteorologic, or cli-
 10 matological data collection devices in the wilderness areas
 11 if the Secretary determines that the facilities and access
 12 to the facilities are essential to flood warning, flood con-
 13 trol, or water reservoir operation activities.

14 (h) WATER RIGHTS.—

15 (1) FINDINGS.—Congress finds that—

16 (A) the wilderness areas are located—

17 (i) in the semiarid region of the Great
 18 Basin; and

19 (ii) at the headwaters of the streams
 20 and rivers on land with respect to which
 21 there are few, if any—

22 (I) actual or proposed water re-
 23 source facilities located upstream; and

24 (II) opportunities for diversion,
 25 storage, or other uses of water occur-

1 ring outside the land that would ad-
2 versely affect the wilderness values of
3 the land;

4 (B) the wilderness areas are generally not
5 suitable for use or development of new water re-
6 source facilities; and

7 (C) because of the unique nature of the
8 wilderness areas, it is possible to provide for
9 proper management and protection of the wil-
10 derness and other values of land in ways dif-
11 ferent from those used in other laws.

12 (2) PURPOSE.—The purpose of this section is
13 to protect the wilderness values of the wilderness
14 areas by means other than a federally reserved water
15 right.

16 (3) STATUTORY CONSTRUCTION.—Nothing in
17 this Act—

18 (A) constitutes an express or implied res-
19 ervation by the United States of any water or
20 water rights with respect to the wilderness
21 areas;

22 (B) affects any water rights in the State
23 (including any water rights held by the United
24 States) in existence on the date of enactment of
25 this Act;

1 (C) establishes a precedent with regard to
2 any future wilderness designations;

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

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

9 (4) NEVADA WATER LAW.—The Secretary shall
10 follow the procedural and substantive requirements
11 of State law in order to obtain and hold any water
12 rights not in existence on the date of enactment of
13 this Act with respect to the wilderness areas.

14 (5) NEW PROJECTS.—

15 (A) DEFINITION OF WATER RESOURCE FA-
16 CILITY.—

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

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

4 (B) RESTRICTION ON NEW WATER RE-
5 SOURCE FACILITIES.—Except as otherwise pro-
6 vided in this Act, on and after the date of the
7 enactment of this Act, neither the President nor
8 any other officer, employee, or agent of the
9 United States shall fund, assist, authorize, or
10 issue a license or permit for the development of
11 any new water resource facility within the wil-
12 derness areas.

13 (i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

14 (1) IN GENERAL.—Nothing in this Act prevents
15 the placement of a temporary telecommunications
16 device for law enforcement or agency administrative
17 purposes in the Selenite Peak Wilderness in accord-
18 ance with paragraph (2).

19 (2) ADDITIONAL REQUIREMENTS.—Any tem-
20 porary telecommunications device authorized by the
21 Secretary under paragraph (1) shall—

22 (A) be carried out in accordance with—

23 (i) the Wilderness Act (16 U.S.C.
24 1131 et seq.); and

1 (ii) all other applicable laws (including
2 regulations);

3 (B) to the maximum practicable, be located
4 in such a manner as to minimize impacts on the
5 recreational and other wilderness values of the
6 area; and

7 (C) be for a period of not longer than 7
8 years.

9 **SEC. 303. WILDLIFE MANAGEMENT.**

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

16 (b) MANAGEMENT ACTIVITIES.—In furtherance of
17 the purposes and principles of the Wilderness Act (16
18 U.S.C. 1131 et seq.), the Secretary may conduct any man-
19 agement activities in the wilderness areas that are nec-
20 essary to maintain or restore fish and wildlife populations
21 and the habitats to support the populations, if the activi-
22 ties are carried out—

23 (1) consistent with relevant wilderness manage-
24 ment plans; and

25 (2) in accordance with—

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

3 (B) appropriate policies, such as those set
4 forth in Appendix B of the report of the Com-
5 mittee on Interior and Insular Affairs of the
6 House of Representatives accompanying H.R.
7 2570 of the 101st Congress (House Report
8 101–405), including noxious weed treatment
9 and the occasional and temporary use of motor-
10 ized vehicles if the use, as determined by the
11 Secretary, would promote healthy, viable, and
12 more naturally distributed wildlife populations
13 that would enhance wilderness values with the
14 minimal impact necessary to reasonably accom-
15 plish those tasks.

16 (c) EXISTING ACTIVITIES.—Consistent with section
17 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
18 in accordance with appropriate policies such as those set
19 forth in Appendix B of the Committee on Interior and In-
20 sular Affairs of the House of Representatives accom-
21 panying H.R. 2570 of the 101st Congress (House Report
22 101–405), the State may continue to use aircraft, includ-
23 ing helicopters, to survey, capture, transplant, monitor,
24 and provide water for wildlife populations, specifically
25 sage-grouse, in the wilderness areas.

1 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

2 Subject to subsection (f), the Secretary shall authorize
3 structures and facilities, including existing structures and
4 facilities, for wildlife water development projects, including
5 guzzlers, in the wilderness areas if—

6 (1) the structures and facilities will, as deter-
7 mined by the Secretary, enhance wilderness values
8 by promoting healthy, viable and more naturally dis-
9 tributed wildlife populations; and

10 (2) the visual impacts of the structures and fa-
11 cilities on the wilderness areas can reasonably be
12 minimized.

13 (e) HUNTING, FISHING, AND TRAPPING.—

14 (1) IN GENERAL.—The Secretary may des-
15 ignate areas in which, and establish periods during
16 which, for reasons of public safety, administration,
17 or compliance with applicable laws, no hunting, fish-
18 ing, or trapping will be permitted in the wilderness
19 areas.

20 (2) CONSULTATION.—Except in emergencies,
21 the Secretary shall consult with the appropriate
22 State agency and notify the public before taking any
23 action under paragraph (1).

24 (f) COOPERATIVE AGREEMENT.—

1 (1) IN GENERAL.—The State, including a des-
2 ignee of the State, may conduct wildlife management
3 activities in the wilderness areas—

4 (A) in accordance with the terms and con-
5 ditions specified in the cooperative agreement
6 between the Secretary and the State entitled
7 “Memorandum of Understanding between the
8 Bureau of Land Management and the Nevada
9 Department of Wildlife Supplement No. 9” and
10 signed November and December 2003, includ-
11 ing any amendments to the cooperative agree-
12 ment agreed to by the Secretary and the State;
13 and

14 (B) subject to all applicable laws (including
15 regulations).

16 (2) REFERENCES; CLARK COUNTY.—For the
17 purposes of this subsection, any references to Clark
18 County in the cooperative agreement described in
19 paragraph (1)(A) shall be considered to be a ref-
20 erence to the wilderness areas.

21 **SEC. 304. RELEASE OF WILDERNESS STUDY AREAS.**

22 (a) FINDING.—Congress finds that, for the purposes
23 of section 603(e) of the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1782(e)), the approximately
25 48,600 acres of public land in the portions of the China

1 Mountain, Mt. Limbo, Selenite Mountains, and Tobin
2 Range wilderness study areas that have not been des-
3 igned as wilderness by section 301(a) and the portion
4 of the Augusta Mountains wilderness study area within
5 the County that has not been designated as wilderness by
6 section 301(a) have been adequately studied for wilderness
7 designation.

8 (b) RELEASE.—The public land described in sub-
9 section (a)—

10 (1) is no longer subject to section 603(c) of the
11 Federal Land Policy and Management Act of 1976
12 (43 U.S.C. 1782(c)); and

13 (2) shall be managed in accordance with the ap-
14 plicable land use plans adopted under section 202 of
15 the Federal Land Policy and Management Act of
16 1976 (43 U.S.C. 1712).

17 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
18 **USES.**

19 (a) IN GENERAL.—Nothing in this title alters or di-
20 minishes the treaty rights of any Indian tribe (as defined
21 in section 4 of the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 5304)).

23 (b) CULTURAL USES.—Nothing in this title precludes
24 the traditional collection of pine nuts in a wilderness area

1 for personal, noncommercial use consistent with the Wil-
2 derness Act (16 U.S.C. 1131 et seq.).

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115TH CONGRESS
2^D SESSION

S. 414

[Report No. 115-409]

A BILL

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

DECEMBER 4, 2018

Reported without amendment