

116TH CONGRESS
1ST SESSION

S. 2804

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

NOVEMBER 6, 2019

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

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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pershing County Economic Development and Conserva-
6 tion Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 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. Sale of encumbered land.
- Sec. 105. Disposition of proceeds.
- Sec. 106. Conveyance of land for use as a public cemetery.

TITLE II—WILDERNESS AREAS

- Sec. 201. Additions to the National Wilderness Preservation System.
- Sec. 202. Administration.
- Sec. 203. Wildlife management.
- Sec. 204. Release of wilderness study areas.
- Sec. 205. Native American cultural and religious uses.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) SECRETARY.—The term “Secretary” means
 6 the Secretary of the Interior.

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

9 (4) WILDERNESS AREA.—The term “wilderness
 10 area” means a wilderness area designated by section
 11 201(a).

12 **TITLE I—CHECKERBOARD LAND**
 13 **RESOLUTION**

14 **SEC. 101. FINDINGS.**

15 Congress finds that—

16 (1) since the passage of the Act of July 1, 1862
 17 (12 Stat. 489, chapter 120) (commonly known as
 18 the “Pacific Railway Act of 1862”), under which

1 railroad land grants along the Union Pacific Rail-
2 road right-of-way created a checkerboard land pat-
3 tern of alternating public land and privately owned
4 land, management of the land in the checkerboard
5 area has been a constant source of frustration for
6 the County government, private landholders in the
7 County, and the Federal Government;

8 (2) management of Federal land in the checker-
9 board area has been costly and difficult for the Fed-
10 eral land management agencies, creating a disincen-
11 tive to manage the land effectively;

12 (3) parcels of land within the checkerboard area
13 in the County will not vary significantly in appraised
14 value by acre due to the similarity of highest and
15 best use in the County; and

16 (4) consolidation of appropriate land within the
17 checkerboard area through sales and exchanges for
18 development and Federal management will—

19 (A) help improve the tax base of the Coun-
20 ty; and

21 (B) simplify management for the Federal
22 Government.

23 **SEC. 102. DEFINITIONS.**

24 In this title:

1 (1) ELIGIBLE LAND.—The term “eligible land”
 2 means any land administered by the Director of the
 3 Bureau of Land Management—

4 (A) that is within the area identified on
 5 the Map as “Checkerboard Lands Resolution
 6 Area” that is designated for disposal by the
 7 Secretary through—

8 (i) the Winnemucca Consolidated Re-
 9 source Management Plan; or

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

13 (B) that is not encumbered land.

14 (2) ENCUMBERED LAND.—The term “encum-
 15 bered land” means any land administered by the Di-
 16 rector of the Bureau of Land Management within
 17 the area identified on the Map as “Checkerboard
 18 Lands Resolution Area” that is encumbered by min-
 19 ing claims, millsites, or tunnel sites.

20 (3) MAP.—The term “Map” means the map
 21 prepared under section 103(b)(1).

22 (4) QUALIFIED ENTITY.—The term “qualified
 23 entity” means, with respect to a portion of encum-
 24 bered land—

1 (A) the owner of a mining claim, millsite,
2 or tunnel site located on a portion of the en-
3 cumbered land on the date of enactment of this
4 Act; and

5 (B) a successor in interest of an owner de-
6 scribed in subparagraph (A).

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

8 (a) AUTHORIZATION OF CONVEYANCE.—Notwith-
9 standing sections 202, 203, 206, and 209 of the Federal
10 Land Policy and Management Act of 1976 (43 U.S.C.
11 1712, 1713, 1716, 1719), as soon as practicable after the
12 date of enactment of this Act, the Secretary, in accordance
13 with this Act and any other applicable law and subject
14 to valid existing rights, shall conduct sales or exchanges
15 of the eligible land.

16 (b) MAP.—

17 (1) IN GENERAL.—As soon as practicable after
18 the date of enactment of this Act, the Secretary
19 shall prepare a map that depicts the boundaries of
20 the land identified for disposal under this title, to be
21 identified as the “Checkerboard Lands Resolution
22 Area” on the Map.

23 (2) MINOR CORRECTIONS.—The Secretary, in
24 consultation with the County, may correct minor er-
25 rors in the Map.

1 (c) JOINT SELECTION REQUIRED.—After providing
 2 public notice, the Secretary and the County shall jointly
 3 select parcels of eligible land to be offered for sale or ex-
 4 change under subsection (a).

5 (d) METHOD OF SALE.—A sale of eligible land under
 6 subsection (a) shall be—

7 (1) consistent with subsections (d) and (f) of
 8 section 203 of the Federal Land Policy and Manage-
 9 ment Act of 1976 (43 U.S.C. 1713);

10 (2) conducted through a competitive bidding
 11 process, under which adjoining landowners are of-
 12 fered the first option, unless the Secretary deter-
 13 mines there are suitable and qualified buyers that
 14 are not adjoining landowners; and

15 (3) for not less than fair market value, based
 16 on an appraisal in accordance with the Uniform
 17 Standards of Professional Appraisal Practice and
 18 this Act.

19 (e) LAND EXCHANGES.—

20 (1) IN GENERAL.—Not later than 1 year after
 21 the date of enactment of this Act and subject to the
 22 joint selection requirements under subsection (c), the
 23 Secretary shall offer to exchange all eligible land
 24 under this section for private land.

1 (2) ADJACENT LAND.—To the extent prac-
 2 ticable, the Secretary shall seek to enter into agree-
 3 ments with one or more owners of private land adja-
 4 cent to the eligible land for the exchange of the pri-
 5 vate land for the eligible land, if the Secretary deter-
 6 mines that the exchange would consolidate Federal
 7 land ownership and facilitate improved Federal land
 8 management.

9 (3) PRIORITY LAND EXCHANGES.—In acquiring
 10 private land under this subsection, the Secretary
 11 shall give priority to the acquisition of private land
 12 in higher-value natural resource areas in the County.

13 (f) MASS APPRAISALS.—

14 (1) IN GENERAL.—Not later than 1 year after
 15 the date of enactment of this Act, and every 5 years
 16 thereafter, the Secretary shall—

17 (A) conduct a mass appraisal of eligible
 18 land to be sold or exchanged under this section;

19 (B) prepare an evaluation analysis for each
 20 land transaction under this section; and

21 (C) make available to the public the results
 22 of the mass appraisals conducted under sub-
 23 paragraph (A).

24 (2) USE.—The Secretary may use mass ap-
 25 praisals and evaluation analyses conducted under

1 paragraph (1) to facilitate exchanges of eligible land
 2 for private land.

3 (g) DEADLINE FOR SALE OR EXCHANGE; EXCLU-
 4 SIONS.—

5 (1) DEADLINE.—Not later than 90 days after
 6 the date on which the eligible land is jointly selected
 7 under subsection (c), the Secretary shall offer for
 8 sale or exchange the parcels of eligible land jointly
 9 selected under that subsection.

10 (2) POSTPONEMENT OR EXCLUSION.—The Sec-
 11 retary or the County may postpone, or exclude from,
 12 a sale or exchange of all or a portion of the eligible
 13 land jointly selected under subsection (c) for emer-
 14 gency ecological or safety reasons.

15 (h) WITHDRAWAL.—

16 (1) IN GENERAL.—Subject to valid existing
 17 rights and mining claims, millsites, and tunnel sites,
 18 effective on the date on which a parcel of eligible
 19 land is jointly selected under subsection (c) for sale
 20 or exchange, that parcel is withdrawn from—

21 (A) all forms of entry and appropriation
 22 under the public land laws, including the min-
 23 ing laws;

24 (B) location, entry, and patent under the
 25 mining laws; and

1 (C) operation of the mineral leasing and
2 geothermal leasing laws.

3 (2) TERMINATION.—The withdrawal of a parcel
4 of eligible land under paragraph (1) shall termi-
5 nate—

6 (A) on the date of sale or, in the case of
7 exchange, the conveyance of title of the parcel
8 of eligible land under this section; or

9 (B) with respect to any parcel of eligible
10 land selected for sale or exchange under sub-
11 section (c) that is not sold or exchanged, not
12 later than 2 years after the date on which the
13 parcel was offered for sale or exchange under
14 this section.

15 **SEC. 104. SALE OF ENCUMBERED LAND.**

16 (a) AUTHORIZATION OF CONVEYANCE.—Notwith-
17 standing sections 202, 203, 206, and 209 of the Federal
18 Land Policy and Management Act of 1976 (43 U.S.C.
19 1712, 1713, 1716, 1719), not later than 90 days after
20 the date of enactment of this Act and subject to valid ex-
21 isting rights held by third parties, the Secretary shall offer
22 to convey to qualified entities, for fair market value, the
23 remaining right, title, and interest of the United States,
24 in and to the encumbered land.

1 (b) COSTS OF SALES TO QUALIFIED ENTITIES.—As
2 a condition of each conveyance of encumbered land under
3 this section, the qualified entity shall pay all costs related
4 to the conveyance of the encumbered land, including the
5 costs of surveys and other administrative costs associated
6 with the conveyance.

7 (c) OFFER TO CONVEY.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date on which the Secretary receives a fair
10 market offer from a qualified entity for the convey-
11 ance of encumbered land, the Secretary shall accept
12 the fair market value offer.

13 (2) APPRAISAL.—Fair market value of the in-
14 terest of the United States in and to encumbered
15 land shall be determined by an appraisal conducted
16 in accordance with the Uniform Standards of Pro-
17 fessional Appraisal Practice.

18 (d) CONVEYANCE.—Not later than 180 days after the
19 date of acceptance by the Secretary of an offer from a
20 qualified entity under subsection (c)(1) and completion of
21 a sale for all or part of the applicable portion of encum-
22 bered land to the qualified entity, the Secretary, by deliv-
23 ery of an appropriate deed, patent, or other valid instru-
24 ment of conveyance, shall convey to the qualified entity

1 all remaining right, title, and interest of the United States
 2 in and to the applicable portion of the encumbered land.

3 (e) MERGER.—Subject to valid existing rights held
 4 by third parties, on delivery of the instrument of convey-
 5 ance to the qualified entity under subsection (d), the prior
 6 interests in the locatable minerals and the right to use
 7 the surface for mineral purposes held by the qualified enti-
 8 ty under a mining claim, millsite, tunnel site, or any other
 9 Federal land use authorization applicable to the encum-
 10 bered land included in the instrument of conveyance, shall
 11 merge with all right, title, and interest conveyed to the
 12 qualified entity by the United States under this section
 13 to ensure that the qualified entity receives fee simple title
 14 to the purchased encumbered land.

15 **SEC. 105. DISPOSITION OF PROCEEDS.**

16 (a) DISPOSITION OF PROCEEDS.—Of the proceeds
 17 from the sale of land under this title—

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

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

23 (3) the remainder shall be deposited in a special
 24 account in the Treasury of the United States, to be
 25 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 acquisition of land from willing
4 sellers (including interests in land) in the Coun-
5 ty—

6 (i) within a wilderness area;

7 (ii) that protects other environ-
8 mentally significant land;

9 (iii) that secures public access to Fed-
10 eral land for hunting, fishing, and other
11 recreational purposes; or

12 (iv) that improves management of
13 Federal land within the area identified on
14 the Map as “Checkerboard Lands Resolu-
15 tion Area”; and

16 (B) the reimbursement of costs incurred by
17 the Secretary in preparing for the sale or ex-
18 change of land under this title.

19 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any
20 amounts deposited in the special account established
21 under subsection (a)(3)—

22 (1) shall earn interest in an amount determined
23 by the Secretary of the Treasury, based on the cur-
24 rent average market yield on outstanding marketable

1 obligations of the United States of comparable ma-
2 turities; and

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

5 (c) REPORTS.—

6 (1) IN GENERAL.—Not later than September
7 30 of the fifth fiscal year after the date of enact-
8 ment of this Act, and every 5 fiscal years thereafter,
9 the Secretary shall submit to the State, the County,
10 and the appropriate committees of Congress a report
11 on the operation of the special account established
12 under subsection (a)(3) for the preceding 5 fiscal
13 years.

14 (2) CONTENTS.—Each report submitted under
15 paragraph (1) shall include, for the fiscal year cov-
16 ered by the report—

17 (A) a statement of the amounts deposited
18 into the special account;

19 (B) a description of the expenditures made
20 from the special account for the fiscal year, in-
21 cluding the purpose of the expenditures;

22 (C) recommendations for additional au-
23 thorities to fulfill the purpose of the special ac-
24 count; and

1 (D) a statement of the balance remaining
 2 in the special account at the end of the fiscal
 3 year.

4 **SEC. 106. CONVEYANCE OF LAND FOR USE AS A PUBLIC**
 5 **CEMETERY.**

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

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

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

16 **TITLE II—WILDERNESS AREAS**

17 **SEC. 201. ADDITIONS TO THE NATIONAL WILDERNESS**
 18 **PRESERVATION SYSTEM.**

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

24 (1) CAIN MOUNTAIN WILDERNESS.—Certain
 25 Federal land managed by the Bureau of Land Man-

1 agement, comprising approximately 12,339 acres, as
2 generally depicted on the map entitled “Proposed
3 Cain Mountain Wilderness” and dated February 9,
4 2017, which shall be known as the “Cain Mountain
5 Wilderness”.

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

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

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

7 (1) any reference in that Act to the effective
8 date shall be considered to be a reference to the date
9 of enactment of this Act; and

10 (2) any reference in that Act to the Secretary
11 of Agriculture shall be considered to be a reference
12 to the Secretary.

13 (b) LIVESTOCK.—The grazing of livestock in the wil-
14 derness areas, if established before the date of enactment
15 of this Act, shall be allowed to continue, subject to such
16 reasonable regulations, policies, and practices as the Sec-
17 retary considers to be necessary in accordance with—

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

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

25 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
26 ESTS.—Any land or interest in land within the boundary

1 of a wilderness area that is acquired by the United States
2 after the date of enactment of this Act shall be added to
3 and administered as part of the wilderness area.

4 (d) ADJACENT MANAGEMENT.—

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

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

14 (e) MILITARY OVERFLIGHTS.—Nothing in this title
15 restricts or precludes—

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

20 (2) flight testing and evaluation; or

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

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

ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness areas as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(g) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological data collection devices in the wilderness areas if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(h) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the wilderness areas are located—

(i) in the semiarid region of the Great

Basin; and

(ii) at the headwaters of the streams

and rivers on land with respect to which

there are few, if any—

(I) actual or proposed water re-

source facilities located upstream; and

1 (II) opportunities for diversion,
2 storage, or other uses of water occur-
3 ring outside the land that would ad-
4 versely affect the wilderness values of
5 the land;

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

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

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

18 (3) STATUTORY CONSTRUCTION.—Nothing in
19 this title—

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

24 (B) affects any water rights in the State
25 (including any water rights held by the United

1 States) in existence on the date of enactment of
 2 this Act;

3 (C) establishes a precedent with regard to
 4 any future wilderness designations;

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

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

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

16 (5) NEW PROJECTS.—

17 (A) DEFINITION OF WATER RESOURCE FA-
 18 CILITY.—

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

1 ancillary facilities, and other water diver-
2 sion, storage, and carriage structures.

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

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

15 (i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

16 (1) IN GENERAL.—Nothing in this title pre-
17 vents the placement of a temporary telecommuni-
18 cations device for law enforcement or agency admin-
19 istrative purposes in the Selenite Peak Wilderness in
20 accordance with paragraph (2).

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

24 (A) be carried out in accordance with—

- 1 (i) the Wilderness Act (16 U.S.C.
2 1131 et seq.); and
3 (ii) all other applicable laws (including
4 regulations);
5 (B) to the maximum practicable, be located
6 in such a manner as to minimize impacts on the
7 recreational and other wilderness values of the
8 area; and
9 (C) be for a period of not longer than 7
10 years.

11 **SEC. 203. WILDLIFE MANAGEMENT.**

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

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

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

3 (2) in accordance with—

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

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

19 (c) EXISTING ACTIVITIES.—In accordance with sec-
20 tion 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1))
21 and in accordance with appropriate policies such as those
22 set forth in Appendix B of the Committee on Interior and
23 Insular Affairs of the House of Representatives accom-
24 panying H.R. 2570 of the 101st Congress (House Report
25 101–405), the State may continue to use aircraft, includ-

1 ing helicopters, to survey, capture, transplant, monitor,
 2 and provide water for wildlife populations.

3 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

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

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

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

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

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

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

1 (f) COOPERATIVE AGREEMENT.—

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

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

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

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

22 **SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.**

23 (a) FINDING.—Congress finds that, for the purposes
24 of section 603(c) of the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately

1 48,600 acres of public land in the portions of the China
 2 Mountain, Mt. Limbo, Selenite Mountains, and Tobin
 3 Range wilderness study areas that have not been des-
 4 ignated as wilderness by section 201(a) and the portion
 5 of the Augusta Mountains wilderness study area within
 6 the County that has not been designated as wilderness by
 7 section 201(a) have been adequately studied for wilderness
 8 designation.

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

11 (1) is no longer subject to section 603(c) of the
 12 Federal Land Policy and Management Act of 1976
 13 (43 U.S.C. 1782(c)); and

14 (2) shall be managed in accordance with the ap-
 15 plicable land use plans adopted under section 202 of
 16 the Federal Land Policy and Management Act of
 17 1976 (43 U.S.C. 1712).

18 **SEC. 205. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
 19 **USES.**

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

24 (b) CULTURAL USES.—Nothing in this title precludes
 25 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.).

