

116TH CONGRESS
1ST SESSION

S. 2890

To 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

NOVEMBER 18, 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, 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 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—LAND CONVEYANCES AND SALES

- Sec. 101. Conveyance to State.
 Sec. 102. Tahoe Rim Trail.
 Sec. 103. Conveyance to County.
 Sec. 104. Sale of certain Federal land.
 Sec. 105. Open space recreation area.

TITLE II—TRIBAL CULTURAL RESOURCES

- Sec. 201. Transfer of land to be held in trust for Tribe.

TITLE III—RESOLUTION OF BURBANK CANYONS WILDERNESS
STUDY AREA

- Sec. 301. Addition to National Wilderness Preservation System.
 Sec. 302. Administration.
 Sec. 303. Fish and wildlife management.
 Sec. 304. Release of wilderness study area.
 Sec. 305. Native American cultural and religious uses.

TITLE IV—TRANSFER OF ADMINISTRATIVE JURISDICTION OVER
FOREST SERVICE LAND

- Sec. 401. Authority to transfer.
 Sec. 402. Special use permits for recreation and public purposes.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) MAP.—The term “Map” means the map en-
 6 titled “Douglas County Economic Development and
 7 Conservation Act” and dated October 14, 2019.

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

12 (4) SECRETARY CONCERNED.—The term “Sec-
 13 retary concerned” means—

1 (A) with respect to National Forest Sys-
 2 tem land, the Secretary of Agriculture, acting
 3 through the Chief of the Forest Service; and

4 (B) with respect to land managed by the
 5 Bureau of Land Management, including land
 6 held in trust for the benefit of the Tribe, the
 7 Secretary of the Interior.

8 (5) STATE.—The term “State” means the State
 9 of Nevada.

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

12 (7) WILDERNESS.—The term “Wilderness”
 13 means the Burbank Canyons Wilderness designated
 14 by section 301(a).

15 **TITLE I—LAND CONVEYANCES** 16 **AND SALES**

17 **SEC. 101. CONVEYANCE TO STATE.**

18 (a) IN GENERAL.—Subject to valid existing rights,
 19 the Secretary concerned shall convey to the State, without
 20 consideration, all right, title, and interest of the United
 21 States in and to the land described in subsection (b).

22 (b) DESCRIPTION OF LAND.—The land referred to in
 23 subsection (a) is the approximately 67 acres of Forest
 24 Service land generally depicted as “Lake Tahoe-Nevada
 25 State Park” on the Map.

1 (c) COSTS.—As a condition of the conveyance under
 2 subsection (a), the State shall pay all costs associated with
 3 the conveyance (including any costs for surveys and other
 4 administrative costs).

5 (d) USE OF LAND.—

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

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

10 (B) a public park.

11 (2) FACILITIES.—Any facility on land conveyed
 12 under subsection (a) shall be constructed and man-
 13 aged in accordance with the uses described in para-
 14 graph (1).

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

20 **SEC. 102. TAHOE RIM TRAIL.**

21 (a) IN GENERAL.—The Secretary of Agriculture, in
 22 consultation with the County and other stakeholders, shall
 23 develop and implement a cooperative management agree-
 24 ment for the land described in subsection (b)—

1 (1) to improve the quality of recreational access
2 to the land by providing such additional amenities as
3 are agreed to by the Secretary and the County; and

4 (2) to conserve the natural resource values of
5 the land.

6 (b) DESCRIPTION OF LAND.—The land referred to in
7 subsection (a) is the approximately 13 acres of land gen-
8 erally depicted as “Tahoe Rim Trail North Parcel” on the
9 Map.

10 **SEC. 103. CONVEYANCE TO COUNTY.**

11 (a) DEFINITION OF FEDERAL LAND.—In this sec-
12 tion, the term “Federal land” means the approximately
13 7,777 acres of Federal land in the County generally de-
14 picted as “Douglas County Land Conveyances” on the
15 Map.

16 (b) AUTHORIZATION OF CONVEYANCE.—Subject to
17 valid existing rights and notwithstanding the land use
18 planning requirements of section 202 of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C. 1712),
20 not later than 180 days after the date on which the Sec-
21 retary concerned receives a request from the County for
22 the conveyance of the Federal land, the Secretary con-
23 cerned shall convey to the County, without consideration,
24 all right, title, and interest of the United States in and
25 to the Federal land.

1 (c) COSTS.—As a condition of the conveyance under
2 subsection (b), the County shall pay all costs associated
3 with the conveyance (including any costs for surveys and
4 other administrative costs).

5 (d) USE OF FEDERAL LAND.—The Federal land con-
6 veyed under subsection (b)—

7 (1) may be used by the County for flood control
8 or any other public purpose consistent with the Act
9 of June 14, 1926 (commonly known as the “Recre-
10 ation and Public Purposes Act”) (43 U.S.C. 869 et
11 seq.); and

12 (2) shall not be disposed of by the County.

13 (e) REVERSION.—If the Federal land conveyed under
14 subsection (b) is used in a manner inconsistent with sub-
15 section (d), the Federal land shall, at the discretion of the
16 Secretary concerned, revert to the United States.

17 (f) ACQUISITION OF FEDERAL REVERSIONARY IN-
18 TEREST.—

19 (1) REQUEST.—The County may submit to the
20 Secretary concerned a request to acquire the Federal
21 reversionary interest in all or any portion of the
22 Federal land conveyed under subsection (b).

23 (2) APPRAISAL.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of receipt of a request under

1 paragraph (1), the Secretary concerned shall
2 complete an appraisal of the Federal rever-
3 sionary interest in the Federal land requested
4 by the County.

5 (B) REQUIREMENT.—The appraisal under
6 subparagraph (A) shall be completed in accord-
7 ance with—

8 (i) the Uniform Appraisal Standards
9 for Federal Land Acquisitions; and

10 (ii) the Uniform Standards of Profes-
11 sional Appraisal Practice.

12 (3) CONVEYANCE REQUIRED.—

13 (A) IN GENERAL.—If, by the date that is
14 1 year after the date of completion of the ap-
15 praisal under paragraph (2), the County sub-
16 mits to the Secretary concerned an offer to ac-
17 quire the Federal reversionary interest re-
18 quested under paragraph (1), the Secretary
19 concerned, by not later than the date that is 30
20 days after the date on which the offer is sub-
21 mitted, shall convey to the County that rever-
22 sionary interest.

23 (B) CONSIDERATION.—As consideration
24 for the conveyance of the Federal reversionary
25 interest under subparagraph (A), the County

1 shall pay to the Secretary concerned an amount
2 equal to the appraised value of the Federal re-
3 versionary interest, as determined under para-
4 graph (2).

5 (C) COSTS.—As a condition of conveyance
6 of the Federal reversionary interest under sub-
7 paragraph (A), the County shall pay all costs
8 associated with the conveyance (including any
9 costs for surveys and other administrative
10 costs).

11 (4) DISPOSITION OF PROCEEDS.—Any amounts
12 collected under this subsection shall be disposed of
13 in accordance with section 104(i).

14 (g) REVOCATION OF ORDERS.—Any public land order
15 that withdraws any portion of the Federal land from ap-
16 propriation or disposal under a public land law shall be
17 revoked to the extent necessary to permit disposal of the
18 Federal land under this section.

19 **SEC. 104. SALE OF CERTAIN FEDERAL LAND.**

20 (a) IN GENERAL.—Notwithstanding sections 202 and
21 203 of the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1712, 1713), the Secretary concerned
23 shall, in accordance with the other provisions of that Act
24 and any other applicable law, and subject to valid existing
25 rights, conduct 1 or more sales of the Federal land (in-

1 cluding mineral rights to that land) described in sub-
2 section (b) to qualified bidders.

3 (b) DESCRIPTION OF LAND.—The Federal land re-
4 ferred to in subsection (a) is—

5 (1) the approximately 59.5 acres of public land
6 generally depicted as “Lands for Disposal” on the
7 Map;

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

10 (A) is not segregated or withdrawn on or
11 after the date of enactment of this Act, unless
12 the land is withdrawn in accordance with sub-
13 section (g); and

14 (B) is identified for disposal by the Sec-
15 retary concerned through—

16 (i) the Carson City Consolidated Re-
17 source Management Plan; or

18 (ii) any subsequent amendment to
19 that management plan that is undertaken
20 with full public involvement; and

21 (3) any mineral right associated with land de-
22 scribed in paragraph (1) or (2).

23 (c) JOINT SELECTION REQUIRED.—The Secretary
24 concerned and the County shall jointly select which parcels

1 of the Federal land described in subsection (b)(2) to offer
2 for sale under subsection (a).

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

8 (1) County zoning ordinances; and

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

11 (e) METHOD OF SALE.—The sale of Federal land
12 under subsection (a) shall be—

13 (1) through a competitive bidding process, un-
14 less otherwise determined by the Secretary con-
15 cerned; and

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

17 (f) RECREATION AND PUBLIC PURPOSES ACT CON-
18 VEYANCES.—

19 (1) IN GENERAL.—Not later than 30 days be-
20 fore any land described in subsection (b) is offered
21 for sale under subsection (a), the State or County
22 may elect to obtain the land for public purposes, in
23 accordance with the Act of June 14, 1926 (com-
24 monly known as the “Recreation and Public Pur-
25 poses Act”) (43 U.S.C. 869 et seq.).

1 (2) RETENTION.—Pursuant to an election made
2 under paragraph (1), the Secretary concerned shall
3 retain the relevant land for conveyance to the State
4 or County in accordance with the Act of June 14,
5 1926 (commonly known as the “Recreation and
6 Public Purposes Act”) (43 U.S.C. 869 et seq.).

7 (g) WITHDRAWAL.—

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

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

14 (B) location, entry, and patent under the
15 mining laws; and

16 (C) disposition under all laws relating to
17 mineral and geothermal leasing or mineral ma-
18 terials.

19 (2) TERMINATION.—The withdrawal under
20 paragraph (1) shall terminate—

21 (A) on the date of sale or conveyance of
22 title to the land described in subsection (b) pur-
23 suant to this section; or

24 (B) with respect to any land described in
25 subsection (b) that is not sold or exchanged,

1 not later than 1 year after the date on which
2 the land was offered for sale under this section.

3 (3) EXCEPTION.—Paragraph (1)(A) shall not
4 apply to—

5 (A) a sale conducted in accordance with
6 this section; or

7 (B) an election by the State or County
8 under subsection (f)(1).

9 (h) DEADLINE FOR SALE.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), not later than 1 year after the date of en-
12 actment of this Act, if there is a qualified bidder for
13 the land described in subsection (b), the Secretary
14 concerned shall offer the land for sale to the quali-
15 fied bidder.

16 (2) POSTPONEMENT; EXCLUSION FROM SALE.—
17 At the request of the County, the Secretary con-
18 cerned may temporarily postpone or exclude from
19 sale under paragraph (1) all or a portion of the land
20 described in subsection (b).

21 (i) DISPOSITION OF PROCEEDS.—Of the proceeds of
22 a sale under this section—

23 (1) 5 percent shall be disbursed to the State for
24 use by the State for general education programs of
25 the State;

1 (2) 10 percent shall be disbursed to the County
2 for use by the County for general budgeting pur-
3 poses; and

4 (3) 85 percent shall be deposited in a special
5 account in the Treasury of the United States, to be
6 known as the “Douglas County Special Account”,
7 which shall be available to the Secretary concerned
8 until expended, without further appropriation—

9 (A) to reimburse costs incurred by the Sec-
10 retary concerned in preparing for the sale of
11 the land described in subsection (b), includ-
12 ing—

13 (i) the costs of surveys and appraisals;

14 and

15 (ii) the costs of compliance with—

16 (I) the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321
18 et seq.); and

19 (II) sections 202 and 203 of the
20 Federal Land Policy and Management
21 Act of 1976 (43 U.S.C. 1712, 1713);

22 (B) to reimburse costs incurred by the Bu-
23 reau of Land Management and the Forest Serv-
24 ice in preparing for, and carrying out, the

1 transfers of land to be held in trust by the
2 United States under section 201; and

3 (C) to acquire environmentally sensitive
4 land or an interest in environmentally sensitive
5 land in the County—

6 (i) pursuant to the Douglas County
7 Open Space and Agricultural Lands Pres-
8 ervation Implementation Plan, or any sub-
9 sequent amendment to the plan that is un-
10 dertaken with full public involvement; and

11 (ii) for flood control purposes.

12 (j) AVAILABILITY OF FUNDS.—Section 4(e) of the
13 Southern Nevada Public Land Management Act of 1998
14 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007;
15 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045; 123
16 Stat. 1114) is amended—

17 (1) in paragraph (3)(A)—

18 (A) by striking clause (iv) and inserting
19 the following:

20 “(iv) development of parks, trails, and
21 natural areas in Clark, Lincoln, and White
22 Pine Counties, Washoe County (subject to
23 paragraph (4)), Carson City (subject to
24 paragraph (5)), and Douglas County (sub-
25 ject to paragraph (6)), Nevada, pursuant

1 to a cooperative agreement with a unit of
 2 local government or regional governmental
 3 entity;”; and

4 (B) in clause (v), by striking “Clark, Lin-
 5 coln, and White Pine Counties and Carson City
 6 (subject to paragraph (5))” and inserting
 7 “Clark, Lincoln, and White Pine Counties,
 8 Washoe County (subject to paragraph (4)),
 9 Carson City (subject to paragraph (5)), and
 10 Douglas County (subject to paragraph (6))”;
 11 and

12 (2) by adding at the end the following:

13 “(6) LIMITATION FOR DOUGLAS COUNTY.—
 14 Douglas County shall be eligible to nominate for ex-
 15 penditure amounts to acquire land or any interest in
 16 land for parks, trails, or natural areas and for con-
 17 servation initiatives—

18 “(A) within the Carson River watershed;

19 “(B) within the Walker River watershed;

20 or

21 “(C) for the conservation of sage-grouse
 22 habitat.”.

23 (k) REVOCATION OF ORDERS.—Any public land order
 24 that withdraws any portion of the land described in sub-
 25 section (b) from appropriation or disposal under a public

1 land law shall be revoked to the extent necessary to permit
2 disposal of that land under this section.

3 **SEC. 105. OPEN SPACE RECREATION AREA.**

4 (a) AUTHORIZATION OF CONVEYANCE.—Not later
5 than 180 days after the date on which the Secretary of
6 Agriculture receives a request from the County, the Sec-
7 retary of Agriculture shall convey to the County, without
8 consideration, all right, title, and interest of the United
9 States in and to the Federal land described in subsection
10 (b).

11 (b) DESCRIPTION OF LAND.—The land referred to in
12 subsection (a) is the approximately 1,084 acres of land
13 generally depicted as “Open Space Recreation Area” on
14 the Map.

15 (c) COSTS.—As a condition of the conveyance under
16 subsection (a), the County shall pay all costs associated
17 with the conveyance (including any costs for surveys and
18 other administrative costs).

19 (d) USE OF LAND.—The land conveyed under sub-
20 section (a)—

21 (1) shall be used by the County for recreation
22 and any other public purpose consistent with the Act
23 of June 14, 1926 (commonly known as the “Recre-
24 ation and Public Purposes Act”) (43 U.S.C. 869 et
25 seq.); and

1 (2) shall not be disposed of by the County.

2 **TITLE II—TRIBAL CULTURAL**
3 **RESOURCES**

4 **SEC. 201. TRANSFER OF LAND TO BE HELD IN TRUST FOR**
5 **TRIBE.**

6 (a) IN GENERAL.—Subject to valid existing rights,
7 all right, title, and interest of the United States in and
8 to the land described in subsection (b)—

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

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

12 (b) DESCRIPTION OF LAND.—The land referred to in
13 subsection (a) is—

14 (1) the approximately 2,669 acres of Federal
15 land generally depicted as “Washoe Tribe Convey-
16 ances” on the Map; and

17 (2) any land—

18 (A) generally depicted as “Section 5
19 lands” on the Map; and

20 (B) administered on the date of enactment
21 of this Act by—

22 (i) the Bureau of Land Management;

23 or

24 (ii) the Forest Service.

1 (c) SURVEY.—Not later than 180 days after the date
2 of enactment of this Act, the Secretary concerned shall
3 complete a survey of the boundary lines to establish the
4 boundaries of the land taken into trust under subsection
5 (a).

6 (d) USE OF TRUST LAND.—

7 (1) GAMING.—Land taken into trust under this
8 section shall not be eligible, or considered to have
9 been taken into trust, for class II gaming or class
10 III gaming (as those terms are defined in section 4
11 of the Indian Gaming Regulatory Act (25 U.S.C.
12 2703)).

13 (2) THINNING; LANDSCAPE RESTORATION.—

14 (A) IN GENERAL.—The Secretary con-
15 cerned, in consultation and coordination with
16 the Tribe, may carry out any fuel reduction or
17 other landscape restoration activities on the
18 land taken into trust under subsection (a) (in-
19 cluding land that includes threatened or endan-
20 gered species habitat), that are beneficial to—

21 (i) the Tribe; and

22 (ii) as applicable—

23 (I) the Bureau of Land Manage-
24 ment; or

25 (II) the Forest Service.

1 (B) CONSERVATION BENEFITS.—Activities
2 carried out under subparagraph (A) include ac-
3 tivities that provide conservation benefits to a
4 species that—

5 (i) is not listed as endangered or
6 threatened under section 4(c) of the En-
7 dangered Species Act of 1973 (16 U.S.C.
8 1533(c)); but

9 (ii) is—

10 (I) a candidate for a listing as an
11 endangered or threatened species
12 under that Act (16 U.S.C. 1531 et
13 seq.);

14 (II) a species of concern; or

15 (III) listed by a State as a
16 threatened or endangered species.

17 (e) WATER RIGHTS.—Nothing in this section affects
18 the allocation, ownership, interest, or control, as in exist-
19 ence on the date of enactment of this Act, of any water,
20 water right, or any other valid existing right held by—

21 (1) the United States;

22 (2) an Indian Tribe;

23 (3) a State; or

24 (4) a person.

1 **TITLE III—RESOLUTION OF BUR-**
2 **BANK CANYONS WILDERNESS**
3 **STUDY AREA**

4 **SEC. 301. 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 12,392 acres of Federal land managed by the Bu-
9 reau of Land Management and generally depicted as
10 “Burbank Canyons Wilderness” on the Map is designated
11 as wilderness and as a component of the National Wilder-
12 ness Preservation System, to be known as the “Burbank
13 Canyons Wilderness”.

14 (b) BOUNDARY.—The boundary of any portion of the
15 Wilderness that is bordered by a road shall be not less
16 than 100 feet from the centerline of the road to allow pub-
17 lic access.

18 (c) MAP AND LEGAL DESCRIPTION.—

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

23 (2) EFFECT.—The map and legal description
24 prepared under paragraph (1) shall have the same
25 force and effect as if included in this Act, except

1 that the Secretary concerned may correct any minor
2 error in the map or legal description.

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

8 (d) WITHDRAWAL.—Subject to valid existing rights,
9 the Wilderness is withdrawn from—

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

12 (2) location, entry, and patent under the mining
13 laws; and

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

16 **SEC. 302. ADMINISTRATION.**

17 (a) MANAGEMENT.—Subject to valid existing rights,
18 the Wilderness shall be administered by the Secretary con-
19 cerned in accordance with the Wilderness Act (16 U.S.C.
20 1131 et seq.), except that—

21 (1) any reference in that Act to the effective
22 date shall be considered to be a reference to the date
23 of enactment of this Act; and

1 (2) any reference in that Act to the Secretary
2 of Agriculture shall be considered to be a reference
3 to the Secretary of the Interior.

4 (b) LIVESTOCK.—The grazing of livestock in the Wil-
5 derness, if established before the date of enactment of this
6 Act, shall be allowed to continue, subject to such reason-
7 able regulations, policies, and practices as the Secretary
8 concerned considers to be necessary in accordance with—

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

11 (2) the guidelines set forth in Appendix A of
12 the report of the Committee on Interior and Insular
13 Affairs of the House of Representatives accom-
14 panying H.R. 2570 of the 101st Congress (House
15 Report 101–405).

16 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
17 ESTS.—Any land or interest in land within the boundaries
18 of the Wilderness that is acquired by the United States
19 after the date of enactment of this Act shall be added to,
20 and administered as part of, the Wilderness.

21 (d) ADJACENT MANAGEMENT.—

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

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

6 (e) MILITARY OVERFLIGHTS.—Nothing in this Act
7 restricts or precludes—

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

11 (2) flight testing and evaluation; or

12 (3) the designation or creation of new units of
13 special use airspace, or the establishment of military
14 flight training routes, over the Wilderness.

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

20 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
21 MENT.—In accordance with section 4(d)(1) of the Wilder-
22 ness Act (16 U.S.C. 1133(d)(1)), the Secretary concerned
23 may take any measures in the Wilderness that the Sec-
24 retary concerned determines to be necessary for the con-
25 trol of fire, insects, and diseases, including, as the Sec-

1 retary concerned determines to be appropriate, the coordi-
2 nation of the activities with the State or a local agency.

3 (h) DATA COLLECTION.—In accordance with the Wil-
4 derness Act (16 U.S.C. 1131 et seq.) and subject to such
5 terms and conditions as the Secretary concerned may pre-
6 scribe, the Secretary concerned may authorize the installa-
7 tion and maintenance of hydrologic, meteorologic, or cli-
8 matological collection devices in the Wilderness if the Sec-
9 retary concerned determines that the facilities, and access
10 to the facilities, are essential to flood warning, flood con-
11 trol, or water reservoir operation activities.

12 (i) WATER RIGHTS.—

13 (1) FINDINGS.—Congress finds that—

14 (A) the Wilderness is located—

15 (i) in the semiarid region of the Great
16 Basin; and

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

20 (I) actual or proposed water re-
21 source facilities located upstream; and

22 (II) opportunities for diversion,
23 storage, or other uses of water occur-
24 ring outside the land that would ad-

1 versely affect the wilderness values of
2 the land;

3 (B) the Wilderness is generally not suitable
4 for use or development of new water resource
5 facilities; and

6 (C) because of the unique nature of the
7 Wilderness, it is possible to provide for proper
8 management and protection of the wilderness
9 and other values of land by means different
10 from the means used in other laws.

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

14 (3) STATUTORY CONSTRUCTION.—Nothing in
15 this Act—

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

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

23 (C) establishes a precedent with regard to
24 any future wilderness designations;

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

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

7 (4) STATE WATER LAW.—The Secretary con-
8 cerned shall follow the procedural and substantive
9 requirements of State law in order to obtain and
10 hold any water rights not in existence on the date
11 of enactment of this Act with respect to the Wilder-
12 ness.

13 (5) NEW PROJECTS.—

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

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

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

4 (B) RESTRICTION ON NEW WATER RE-
5 SOURCE FACILITIES.—Except as otherwise pro-
6 vided in this Act, on or after the date of enact-
7 ment of this Act, neither the President nor any
8 other officer, employee, or agent of the United
9 States shall fund, assist, authorize, or issue a
10 license or permit for the development of any
11 new water resource facility within any wilder-
12 ness area, including a portion of a wilderness
13 area, that is located in the County.

14 **SEC. 303. FISH AND WILDLIFE MANAGEMENT.**

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

21 (b) MANAGEMENT ACTIVITIES.—In furtherance of
22 the purposes and principles of the Wilderness Act (16
23 U.S.C. 1131 et seq.), the Secretary concerned may con-
24 duct any management activities in the Wilderness that are
25 necessary to maintain or restore any fish or wildlife popu-

1 lation, or the habitats to support such a population, if the
2 activities are carried out—

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

5 (2) in accordance with—

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

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

21 (c) EXISTING ACTIVITIES.—Consistent with section
22 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
23 in accordance with appropriate policies such as those set
24 forth in Appendix B of the report of the Committee on
25 Interior and Insular Affairs of the House of Representa-

1 tives accompanying H.R. 2570 of the 101st Congress
2 (House Report 101-405), the State may continue to use
3 aircraft, including helicopters, to survey, capture, trans-
4 plant, monitor, and provide water for wildlife populations
5 in the Wilderness.

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

7 (1) IN GENERAL.—The Secretary concerned
8 may designate areas in which, and establish periods
9 during which, for reasons of public safety, adminis-
10 tration, or compliance with applicable laws, no hunt-
11 ing, fishing, or trapping will be permitted in the Wil-
12 derness.

13 (2) CONSULTATION.—Except in emergencies,
14 the Secretary concerned shall consult with the ap-
15 propriate State agency and notify the public before
16 making any designation under paragraph (1).

17 (e) COOPERATIVE AGREEMENT.—

18 (1) IN GENERAL.—The State (including a des-
19 ignee of the State) may conduct wildlife manage-
20 ment activities in the Wilderness—

21 (A) in accordance with the terms and con-
22 ditions specified in the cooperative agreement
23 between the Secretary of the Interior and the
24 State entitled “Memorandum of Understanding
25 between the Bureau of Land Management and

1 the Nevada Department of Wildlife Supplement
2 No. 9” and signed November and December
3 2003, including any amendments to the cooper-
4 ative agreement agreed to by the Secretary of
5 the Interior and the State; and

6 (B) subject to all applicable laws (including
7 regulations).

8 (2) REFERENCES; CLARK COUNTY.—For the
9 purposes of this subsection, any reference contained
10 in the cooperative agreement described in paragraph
11 (1)(A) to “Clark County” shall be considered to be
12 a reference to the Wilderness.

13 **SEC. 304. RELEASE OF WILDERNESS STUDY AREA.**

14 (a) FINDING.—Congress finds that, for purposes of
15 section 603(c) of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately
17 1,065 acres of public land in the Burbank Canyons Wil-
18 derness study area that is not designated as wilderness
19 by section 301 has been adequately studied for wilderness
20 designation.

21 (b) RELEASE.—Effective beginning on the date of en-
22 actment of this Act, the public land described in sub-
23 section (a)—

1 (1) shall no longer be subject to section 603(c)
 2 of the Federal Land Policy and Management Act of
 3 1976 (43 U.S.C. 1782(c)); and

4 (2) shall be managed in accordance with any
 5 applicable—

6 (A) land management plans adopted under
 7 section 202 of the Federal Land Policy and
 8 Management Act of 1976 (43 U.S.C. 1712);
 9 and

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

12 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
 13 **USES.**

14 Nothing in this title alters or diminishes the treaty
 15 rights of any Indian tribe (as defined in section 4 of the
 16 Indian Self-Determination and Education Assistance Act
 17 (25 U.S.C. 5304)).

18 **TITLE IV—TRANSFER OF ADMIN-**
 19 **ISTRATIVE JURISDICTION**
 20 **OVER FOREST SERVICE LAND**

21 **SEC. 401. AUTHORITY TO TRANSFER.**

22 (a) IN GENERAL.—Consistent with section 3(b) of
 23 Public Law 96–586 (commonly known as the “Santini-
 24 Burton Act”) (94 Stat. 3384), and subject to valid exist-
 25 ing rights, on receipt of a request by the State or County

1 and subject to such terms and conditions as are satisfac-
 2 tory to the Secretary of Agriculture, the Secretary of Agri-
 3 culture may transfer to the State or County the Forest
 4 Service land, or any interest in the Forest Service land,
 5 described in subsection (b), without consideration, to pro-
 6 tect the environmental quality and public recreational use
 7 of the transferred Forest Service land.

8 (b) DESCRIPTION OF FOREST SERVICE LAND.—The
 9 land referred to in subsection (a) is any Forest Service
 10 land located within the boundaries of the area acquired
 11 under Public Law 96–586 (commonly known as the
 12 “Santini-Burton Act”) (94 Stat. 3381) that is—

13 (1) unsuitable for Forest Service administra-
 14 tion; or

15 (2) necessary for a public purpose.

16 (c) USE OF LAND.—Any land or interest conveyed
 17 pursuant to subsection (a) shall—

18 (1) be managed by the State or County, as ap-
 19 plicable—

20 (A) to maintain undeveloped open space;

21 (B) to preserve the natural characteristics
 22 of the transferred land in perpetuity; and

23 (C) to protect and enhance water quality,
 24 stream environment zones, and important wild-
 25 life habitat; and

1 (2) be used by the State or County, as applica-
 2 ble, for recreation or other public purposes, includ-
 3 ing trails, trailheads, fuel reduction, flood control,
 4 and other infrastructure consistent with the Act of
 5 June 14, 1926 (commonly known as the “Recreation
 6 and Public Purposes Act”) (43 U.S.C. 869 et seq.).

7 (d) REVERSION.—If any land or interest in land con-
 8 veyed pursuant to subsection (a) is used in a manner that
 9 is inconsistent with subsection (c), the land or interest
 10 shall, at the discretion of the Secretary of Agriculture, re-
 11 vert to the United States.

12 **SEC. 402. SPECIAL USE PERMITS FOR RECREATION AND**
 13 **PUBLIC PURPOSES.**

14 (a) IN GENERAL.—Not later than 1 year after the
 15 date on which the Secretary of Agriculture receives from
 16 the County or a unit of local government an application
 17 for the use of the Federal land described in subsection
 18 (b), the Secretary, in accordance with all applicable laws,
 19 shall issue to the County or unit of local government a
 20 special use permit for recreation and public purposes for
 21 a term of not less than 30 years.

22 (b) DESCRIPTION OF LAND.—The land referenced in
 23 subsection (a) is the approximately 188 acres of Federal

- 1 land in the County generally depicted as “Directed Special
- 2 Use Permit” on the Map.

