

Calendar No. 299

118TH CONGRESS
1ST SESSION**S. 2042****[Report No. 118–147]**

To amend the Sloan Canyon National Conservation Area Act to adjust the boundary of the Sloan Canyon National Conservation Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

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

DECEMBER 20, 2023

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Sloan Canyon National Conservation Area Act to adjust the boundary of the Sloan Canyon National Conservation Area, 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.**

4 This Act may be cited as the “Sloan Canyon Con-
5 servation and Horizon Lateral Water Pipeline Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CONSERVATION AREA.**—The term “Con-
4 servation Area” means the Sloan Canyon National
5 Conservation Area.

6 (2) **SECRETARY.**—The term “Secretary” means
7 the Secretary of the Interior (acting through the Di-
8 rector of the Bureau of Land Management).

9 **SEC. 3. SLOAN CANYON NATIONAL CONSERVATION AREA**
10 **BOUNDARY ADJUSTMENT.**

11 (a) **BOUNDARY ADJUSTMENT.**—

12 (1) **MAP.**—Section 603(4) of the Sloan Canyon
13 National Conservation Area Act (16 U.S.C. 460qqq-
14 1(4)) is amended by striking “map entitled ‘South-
15 ern Nevada Public Land Management Act’ and
16 dated October 1, 2002” and inserting “map entitled
17 ‘Proposed Sloan Canyon Expansion’ and dated June
18 7, 2023”.

19 (2) **ACREAGE.**—Section 604(b) of the Sloan
20 Canyon National Conservation Area Act (16 U.S.C.
21 460qqq-2(b)) is amended by striking “48,438” and
22 inserting “57,728”.

23 (b) **RIGHT-OF-WAY.**—Section 605 of the Sloan Can-
24 yon National Conservation Area Act (16 U.S.C. 460qqq-
25 3) is amended by adding at the end the following:

1 “(h) HORIZON LATERAL PIPELINE RIGHT-OF-
2 WAY.—

3 “(1) IN GENERAL.—Notwithstanding sections
4 202 and 503 of the Federal Land Policy Manage-
5 ment Act of 1976 (43 U.S.C. 1712, 1763) and sub-
6 ject to valid existing rights, the Secretary of the In-
7 terior, acting through the Director of the Bureau of
8 Land Management (referred to in this subsection as
9 the ‘Secretary’), shall, not later than 1 year after
10 the date of enactment of this subsection, grant to
11 the Southern Nevada Water Authority (referred to
12 in this subsection as the ‘Authority’), not subject to
13 the payment of rents or other charges, the tem-
14 porary and permanent pipeline, powerline, facility,
15 and access road rights-of-way depicted on the map
16 for the purposes of—

17 “(A) performing geotechnical investigations
18 within the rights-of-way; and

19 “(B) constructing and operating water
20 transmission and related facilities.

21 “(2) EXCAVATION AND DISPOSAL.—

22 “(A) IN GENERAL.—The Authority may,
23 without consideration, excavate and use or dis-
24 pose of sand, gravel, minerals, or other mate-

1 rials necessary to fulfill the purpose of the
2 rights-of-way granted under paragraph (1).

3 “(B) MEMORANDUM OF UNDER-
4 STANDING.—Not later than 30 days after the
5 date on which the rights-of-way are granted
6 under paragraph (1), the Secretary and the Au-
7 thority shall enter into a memorandum of un-
8 derstanding identifying Federal land on which
9 the Authority may dispose of materials under
10 subparagraph (A) to further the interests of the
11 Bureau of Land Management.”.

12 (c) PRESERVATION OF TRANSPORTATION, UTILITY
13 CORRIDORS, AND MANAGEMENT OF CONSERVATION
14 AREA.—Nothing in this Act (including an amendment
15 made by this Act)—

16 (1) includes in the expanded boundary of the
17 Conservation Area under the amendments made by
18 subsection (a) land within a designated utility trans-
19 mission corridor or a transmission line right-of-way
20 grant approved by the Secretary in a record of deci-
21 sion issued before the date of enactment of this Act;

22 (2) affects the existence, use, operation, mainte-
23 nance, repair, construction, reconfiguration, expan-
24 sion, inspection, renewal, reconstruction, alteration,
25 addition, relocation improvement funding, removal,

1 or replacement of any utility facility or appurtenant
 2 right-of-way within an existing designated transpor-
 3 tation and utility corridor within the expanded
 4 boundary of the Conservation Area under the
 5 amendments made by subsection (a);

6 ~~(3)~~ precludes the Secretary from authorizing
 7 the establishment of a new utility facility right-of-
 8 way within an existing designated transportation
 9 and utility corridor within the expanded boundary of
 10 the Conservation Area under the amendments made
 11 by subsection (a)—

12 ~~(A)~~ in accordance with—

13 ~~(i)~~ the National Environmental Policy
 14 Act of 1969 (42 U.S.C. 4321 et seq.); and

15 ~~(ii)~~ any other applicable law; and

16 ~~(B)~~ subject to such terms and conditions
 17 as the Secretary determines to be appropriate;

18 ~~(4)~~ prohibits access to, or the repair or replace-
 19 ment of, a transmission line within a right-of-way
 20 within the expanded boundary of the Conservation
 21 Area under the amendments made by subsection (a)
 22 that was issued before the date of enactment of this
 23 Act; or

24 ~~(5)~~ except as provided in the amendment made
 25 by subsection (b); modifies the management of the

1 Conservation Area pursuant to section 605 of the
 2 Sloan Canyon National Conservation Area Act (16
 3 U.S.C. 460~~qqq-3~~).

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Sloan Canyon Conserva-*
 6 *tion and Lateral Pipeline Act”.*

7 **SEC. 2. DEFINITIONS.**

8 *In this Act:*

9 (1) CONSERVATION AREA.—*The term “Conserva-*
 10 *tion Area” means the Sloan Canyon National Con-*
 11 *servation Area.*

12 (2) SECRETARY.—*The term “Secretary” means*
 13 *the Secretary of the Interior (acting through the Di-*
 14 *rector of the Bureau of Land Management).*

15 **SEC. 3. SLOAN CANYON NATIONAL CONSERVATION AREA**
 16 **BOUNDARY ADJUSTMENT.**

17 (a) BOUNDARY ADJUSTMENT.—

18 (1) MAP.—*Section 603(4) of the Sloan Canyon*
 19 *National Conservation Area Act (16 U.S.C. 460~~qqq-~~*
 20 *1(4)) is amended by striking “map entitled ‘Southern*
 21 *Nevada Public Land Management Act’ and dated Oc-*
 22 *tober 1, 2002” and inserting “map entitled ‘Proposed*
 23 *Sloan Canyon Expansion’ and dated June 7, 2023”.*

24 (2) ACREAGE.—*Section 604(b) of the Sloan Can-*
 25 *yon National Conservation Area Act (16 U.S.C.*

1 460qqq–2(b)) is amended by striking “48,438” and
 2 inserting “57,728”.

3 (b) *RIGHT-OF-WAY*.—Section 605 of the Sloan Canyon
 4 National Conservation Area Act (16 U.S.C. 460qqq–3) is
 5 amended by adding at the end the following:

6 “(h) *HORIZON LATERAL PIPELINE RIGHT-OF-WAY*.—

7 “(1) *IN GENERAL*.—Notwithstanding sections
 8 202 and 503 of the Federal Land Policy Management
 9 Act of 1976 (43 U.S.C. 1712, 1763) and subject to
 10 valid existing rights and paragraph (3), the Secretary
 11 of the Interior, acting through the Director of the Bu-
 12 reau of Land Management (referred to in this sub-
 13 section as the ‘Secretary’), shall, not later than 1 year
 14 after the date of enactment of this subsection, grant
 15 to the Southern Nevada Water Authority (referred to
 16 in this subsection as the ‘Authority’), not subject to
 17 the payment of rents or other charges, the temporary
 18 and permanent water pipeline infrastructure, and
 19 outside the boundaries of the Conservation Area,
 20 powerline, facility, and access road rights-of-way de-
 21 picted on the map for the purposes of—

22 “(A) performing geotechnical investigations
 23 within the rights-of-way; and

24 “(B) constructing and operating water
 25 transmission and related facilities.

1 “(2) *EXCAVATION AND DISPOSAL.*—

2 “(A) *IN GENERAL.*—*The Authority may,*
 3 *without consideration, excavate and use or dis-*
 4 *pose of sand, gravel, minerals, or other materials*
 5 *from the tunneling of the water pipeline nec-*
 6 *essary to fulfill the purpose of the rights-of-way*
 7 *granted under paragraph (1).*

8 “(B) *MEMORANDUM OF UNDERSTANDING.*—
 9 *Not later than 30 days after the date on which*
 10 *the rights-of-way are granted under paragraph*
 11 *(1), the Secretary and the Authority shall enter*
 12 *into a memorandum of understanding identi-*
 13 *fying Federal land on which the Authority may*
 14 *dispose of materials under subparagraph (A) to*
 15 *further the interests of the Bureau of Land Man-*
 16 *agement.*

17 “(3) *REQUIREMENTS.*—*A right-of-way issued*
 18 *under this subsection shall be subject to the following*
 19 *requirements:*

20 “(A) *The Secretary may include reasonable*
 21 *terms and conditions, consistent with section 505*
 22 *of the Federal Land Policy and Management Act*
 23 *of 1976 (43 U.S.C. 1765), as are necessary to*
 24 *protect Conservation Area resources.*

1 “(B) Construction of the water pipeline
2 shall not permanently adversely affect conserva-
3 tion area surface resources.

4 “(C) The right-of-way shall not be located
5 through or under any area designated as wilder-
6 ness.”.

7 (c) *PRESERVATION OF TRANSMISSION AND UTILITY*
8 *CORRIDORS AND RIGHTS-OF-WAY.*—*The expansion of the*
9 *Conservation Area boundary under the amendment made*
10 *by subsection (a)—*

11 (1) *shall be subject to valid existing rights, in-*
12 *cluding land within a designated utility transmission*
13 *corridor or a transmission line right-of-way grant*
14 *approved by the Secretary in a record of decision*
15 *issued before the date of enactment of this Act;*

16 (2) *shall not preclude—*

17 (A) *any activity authorized in accordance*
18 *with a designated corridor or right-of-way re-*
19 *ferred to in paragraph (1), including the oper-*
20 *ation, maintenance, repair, or replacement of*
21 *any authorized utility facility within the cor-*
22 *ridor or right-of-way; or*

23 (B) *the Secretary from authorizing the es-*
24 *tablishment of a new utility facility right-of-way*
25 *within an existing designated transportation*

1 *and utility corridor referred to in paragraph (1)*
2 *in accordance with—*

3 *(i) the National Environmental Policy*
4 *Act of 1969 (42 U.S.C. 4321 et seq.) and*
5 *other applicable laws; and*

6 *(ii) subject to such terms and condi-*
7 *tions as the Secretary determines to be ap-*
8 *propriate; and*

9 *(3) except as provided in the amendment made*
10 *by subsection (b), modifies the management of the*
11 *Conservation Area pursuant to section 605 of the*
12 *Sloan Canyon National Conservation Area Act (16*
13 *U.S.C. 460qqq–3).*

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