

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) ESTABLISHMENT.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the "scenic area").

(c) EFFECTIVE UPON CONVEYANCE.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

(a) SAINT HELENA ISLAND.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—**[With-in 3 years of the date of the enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management plan for the Hiawatha National Forest.] Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.** Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) PUBLIC ACCESS.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other

means of making public access available for the purposes of this Act.

(2) ROADS.—After the date of the enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) DOCKAGE.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) SAFETY.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) CONSULTATION.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

(a) ACQUISITION OF LANDS WITHIN THE SCENIC AREA.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) ACQUISITION OF OTHER LANDS.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within

the scenic area and on the mainland as provided in section 7.

(b) OTHER PURPOSES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

The committee amendment was agreed to.

The bill (H.R. 468), as amended, was read the third time and passed.

IVANAPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

The Senate proceeded to consider the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, and for the development of an airport facility, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic)

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ivanpah Valley Airport Public Lands Transfer Act".

SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1713), but subject to subsection (b) of this section and valid existing rights, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal public lands identified for disposition on the map entitled "Ivanpah Valley, Nevada-Airport Selections" numbered 01, and dated April 1999, for the purpose of developing an airport facility and related infrastructure. The Secretary shall keep such map on file and available for public inspection in the offices of the Director of the Bureau of Land Management and in the district office of the Bureau located in Las Vegas, Nevada.

(b) CONDITIONS.—The Secretary shall make no conveyance under subsection (a) until each of the following conditions are fulfilled:

(1) The County has conducted an airspace **[assessment]** *assessment, using the airspace management plan required by section 4(a)*, to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.

(2) The Federal Aviation Administration has made a certification under section 4(b).

(3) The County has entered into an agreement with the Secretary to retain ownership of Jean Airport, located at Jean, Nevada, and to maintain and operate such airport for general aviation purposes.

(c) PAYMENT.—

(1) IN GENERAL.—As consideration for the conveyance of each parcel, the County shall pay to the United States an amount equal to the fair market value of the parcel.

[(2) DEPOSIT IN SPECIAL ACCOUNT.—The Secretary shall deposit the payments received under paragraph (1) in the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of

1998 (112 Stat. 2345). The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.】

(2) **DEPOSIT IN SPECIAL ACCOUNT.**—(A) *The Secretary shall deposit the payments received under paragraph (1) into the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). Such funds may be expended only for the acquisition of private inholdings in the Mojave National Preserve and for the protection and management of the petroglyph resources in Clark County, Nevada. The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.*

(B) *The Secretary may not expend funds pursuant to this section until—*

(i) *the provisions of section 5 of this Act have been completed; and*

(ii) *a final Record of Decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued which permits development of an airport at the Ivanpah site.*

【(d) **REVERSION AND REENTRY.**—If, following completion of compliance with section 5 of this Act, the Federal Aviation Administration and the County determine that an airport cannot be constructed on the conveyed lands—】

(d) **REVERSION AND REENTRY.**—*If, following completion of compliance with section 5 of this Act and in accordance with the findings made by the actions taken in compliance with such section, the Federal Aviation Administration and the County determine that an airport should not be constructed on the conveyed lands—*

(1) *the Secretary of the Interior shall immediately refund to the County all payments made to the United States for such lands under subsection (c); and*

(2) *upon such payment—*

(A) *all right, title, and interest in the lands conveyed to the County under this Act shall revert to the United States; and*

(B) *the Secretary may reenter such lands.*

SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CONVEYANCE.

The public lands referred to in section 2(a) are withdrawn from mineral entry under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPORTATION.

(a) **DEVELOPMENT OF AIRSPACE MANAGEMENT PLAN.**—The Secretary of Transportation shall, in consultation with the [Secretary,] *Secretary, prior to the conveyance of the land referred to in section 2(a), develop an airspace management plan for the Ivanpah Valley Airport that shall, to the maximum extent practicable and without adversely impacting safety considerations, restrict aircraft arrivals and departures over the Mojave Desert Preserve in California.*

(b) **CERTIFICATION OF ASSESSMENT.**—The Administrator of the Federal Aviation Administration shall certify to the Secretary that the assessment made by the County under section 2(b)(1) is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REQUIRED.

Prior to construction of an airport facility on lands conveyed under section 2, all actions required under the National Environ-

mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to initial planning and construction shall be completed by the Secretary of Transportation and the Secretary of the Interior as joint lead agencies. Any actions conducted in accordance with this section shall specifically address any impacts on the purposes for which the Mojave National Preserve was created.

SEC. 6. DEFINITIONS.

In this Act—

(1) the term “County” means Clark County, Nevada; and

(2) the term “Secretary” means the Secretary of the Interior.

The committee amendments were agreed to.

The bill (H.R. 1695), as amended, was read the third time and passed.

LAKE TAHOE RESTORATION ACT

The Senate proceeded to consider the bill (S. 1925) to promote environmental restoration around Lake Tahoe basin, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows: (Strike out all after the enacting clause and insert the part printed in italic)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lake Tahoe Restoration Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—*Congress finds that—*

(1) *Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;*

(2) *in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;*

(3) *the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;*

(4) *Lake Tahoe is in the midst of an environmental crisis; the Lake’s water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;*

(5) *sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;*

(6) *methyl tertiary butyl ether—*

(A) *has contaminated and closed more than 1/3 of the wells in South Tahoe; and*

(B) *is advancing on the Lake at a rate of approximately 9 feet per day;*

(7) *destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake’s ability to cleanse itself of pollutants;*

(8) *approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;*

(9) *as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;*

(10) *the Federal Government has a long history of environmental preservation at Lake Tahoe, including—*

(A) *congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);*

(B) *the establishment of the Lake Tahoe Basin Management Unit in 1973; and*

(C) *the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;*

(11) *the President renewed the Federal Government’s commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;*

(12) *the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—*

(A) *expenditures—*

(i) *exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and*

(ii) *exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and*

(B) *the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional \$20,000,000; and*

(13) *significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.*

(b) **PURPOSES.**—*The purposes of this Act are—*

(1) *to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;*

(2) *to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and*

(3) *to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.*

SEC. 3. DEFINITIONS.

In this Act:

(1) **ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.**—*The term “environmental threshold carrying capacity” has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96-551 (94 Stat. 3235).*

(2) **FIRE RISK REDUCTION ACTIVITY.**—

(A) **IN GENERAL.**—*The term “fire risk reduction activity” means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.*

(B) **INCLUDED ACTIVITIES.**—*The term “fire risk reduction activity” includes—*

(i) *prescribed burning;*

(ii) *mechanical treatment;*

(iii) *road obliteration or reconstruction; and*

(iv) *such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.*

(3) **PLANNING AGENCY.**—*The term “Planning Agency” means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).*

(4) **PRIORITY LIST.**—*The term “priority list” means the environmental restoration priority list developed under section 6.*