

# Washoe Public Lands Management Act

## TITLE I – FEDERAL LAND DISPOSAL

### SEC. 101. DEFINITIONS.

- (a) Secretary.—The term “Secretary” means –
  - (1) the Secretary of Agriculture with respect to land in the National Forest System; or
  - (2) the Secretary of the Interior with respect to other Federal Land.
- (b) State.—the term “State” means the State of Nevada.
- (c) County.—the term “county” means Washoe County.
- (d) Unit of Local Government.—the term “unit of local government” means Washoe County, the City of Reno, the City of Sparks, or the Incline Village General Improvement District.

### SEC.102. DISPOSAL OF LAND

- (a) Disposal.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this act, the Federal Land Policy and Management Act of 1976, and any other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Director of the Bureau of Land Management in Washoe County, Nevada, as generally depicted on the map entitled [ \_ ] and dated [ \_ ].
- (b) Exclusion.—Any land included in an administrative withdrawal that is within the area described in subsection (a) are excluded from sale or transfer under this section.
- (c) Availability of Map.—The map described in subsection (a) shall be on file and available for public inspection in-
  - (1) the Office of the Director of the Bureau of Land Management;
  - (2) the Office of the Nevada State Director of the Bureau of Land Management;
  - and
  - (3) the Carson City District Office of the Bureau of Land Management.
- (d) Reservation for Local Public Purposes.—Not less than 30 days before the offering of lands for sale pursuant to subsection (a), the State or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for public purposes allowed under the Act of June 14, 1926 (43 U.S.C. 869 et seq.: commonly known as the ‘Recreation and Public Purposes Act’).
- (e) Withdrawal.—Subject to valid existing rights, all Federal lands identified for disposal in subsection (a) are withdrawn from-
  - (1) all forms of entry and appropriation under the public lands laws, including the mining laws;
  - (2) location, entry, and patent under the mining laws; and
  - (3) operation of the mineral leasing and geothermal leasing laws.

- (f) Joint Selection Required.—The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select land to offer for sale under this section.
- (g) Compliance with Local Planning and Zoning Laws.—Before carrying out a sale or exchange under subsection (a), a unit of local government shall submit to the Secretary a certification that qualified bidders have agreed to comply with-
  - (1) local zoning ordinance,
  - (2) any master plan for the area approved by a unit of local government.
- (h) Method of Sale.-
  - (1) IN GENERAL.—The sale or exchange of land under subsection (a) shall be—
    - (A) consistent with subsections (b) and (f) of section 203 and section 206(a) of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713, 1716(a)); and
    - (B) conducted through—
      - (I) a competitive bidding process, unless otherwise determined by the Secretary; and
      - (II) for not less than fair market value, based on an appraisal that is conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition and the Uniformed Standards of Professional Appraisal Practice.
  - (i) Deadline for Sale.—
    - (1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this act and annually thereafter until the Federal land described in subsection (a) is disposed of or the County requests a postponement under paragraph (2), the Secretary shall offer for sale parcels of land jointly selected under subsection (f).
    - (2) POSTPONEMENT; EXCLUSION FROM SALE.—
      - (A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—at the request of the County, the Secretary shall postpone or exclude from sale all or a portion of the land described in subsection (a).
      - (B) INDEFINITE POSTPONEMENT.—unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

**SEC. 103. DISPOSITION OF PROCEEDS.**

- (a) Disposition of Proceeds.—Of the proceeds from the sale of land under section 102—
  - (1) 5 percent shall be disbursed to the State for use in the general education program of the State;
  - (2) 10 percent shall be disbursed to the County for use for education, public safety, housing, social services, regional infrastructure including

transportation, water, wastewater and flood control, including planning costs; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the “Washoe County Special Account”, which shall be available to the Secretary for—

(A) the reimbursement of cost incurred by the Department of the Interior in preparing for the sale of the land described in Section 102(a), including—

(I) the costs of surveys and appraisals; and

(II) the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) the conduct of wildlife habitat conservation and restoration projects, including projects that benefit the greater sage-grouse in the County;

(C) the implementation of wildlife prevention and restoration projects in the County;

(D) the acquisition of environmentally sensitive land or interest in environmentally sensitive land in the county;

(E) wilderness protection and processing wilderness designation, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated through this act; and

(F) a supplemental source of funding to the Secretary of Agriculture to implement the wildlife prevention and restoration projects including local hazardous fuels reduction and water and wastewater infrastructure projects authorized by the Lake Tahoe Restoration Act of 2016.

(b) Investment of Special Account.—Any amounts deposited in the special account established under subsection (a)(3)—

(1) shall earn interest in an amount determined by the Secretary of the Treasury, based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities; and

(2) may be expended by the Secretary in accordance with this section.

#### SEC.104. LAND CONVEYANCES.

(a) Conveyances to the City of Sparks.—

(1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the

City of Sparks without consideration all right, title and interest of the United States in and to the land described in paragraph (2).

- (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “City of Sparks Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
- (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the City of Sparks.
- (4) Use of land.—The land conveyed under paragraph (1) shall be used only for a public park.
- (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(b) Conveyance for use as a cemetery.—

- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the City of Sparks without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
- (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Cemetery Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
- (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the City of Sparks.
- (4) Use of land.—The land conveyed under paragraph (1) shall be used only for a cemetery.

(c) Conveyances to Incline Village General Improvement District.—

- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the Incline Village General Improvement District without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
- (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Incline Village GID Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
- (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Incline Village General Improvement District.
- (4) Use of land.—The land conveyed under paragraph (1) shall be used only for resource management, public recreation, permanent public recreation access

including the Tahoe Rim Trail including operations and maintenance activities by the Tahoe Rim Trail Association, and any other public purpose allowed under the Act of June 14, 1926 (43 U.S.C. 869 et seq.: commonly known as the ‘Recreation and Public Purposes Act’), including all accessory uses. Reference to the Recreation and Public Purposes Act shall not prevent the Incline Village General Improvement District from collecting rates, fees and charges; consistent with the powers granted to the Incline General Improvement District; for the operations and maintenance and the recreation, utility, administrative and resource management use of the land.

(5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(d) Conveyance to the University of Nevada, Reno.—

(1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the University of Nevada, Reno, without consideration all right, title and interest of the United States in and to the land described in paragraph (2).

(2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “UNR Conveyance” on the map entitled [ \_ ] and dated [ \_ ].

(3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the University of Nevada, Reno.

(4) Use of land.—The land conveyed under paragraph (1) shall be used only for research and academic purposes.

(5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(e) Conveyances to the Truckee Meadows Water Authority.—

(1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the Truckee Meadows Water Authority without consideration all right, title and interest of the United States in and to the land described in paragraph (2).

(2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “TMWA Conveyance” on the map entitled [ \_ ] and dated [ \_ ].

- (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Truckee Meadows Water Authority.
  - (4) Use of land.—The land conveyed under paragraph (1) shall be used only for regional water facilities.
  - (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (f) Conveyances to Truckee River Flood Management Authority.—
- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the Truckee River Flood Management Authority without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
  - (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Flood Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
  - (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Truckee River Flood Management Authority.
  - (4) Use of land.—The land conveyed under paragraph (1) shall be used only for a flood mitigation and erosion protection.
  - (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (g) Conveyances to Washoe County.—
- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to Washoe County without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
  - (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Washoe County Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
  - (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by Washoe County.
  - (4) Use of land.—The land conveyed under paragraph (1) shall be used only for—
    - (A) public recreation; or

- (B) open space serving as a buffer for protection of the public.
- (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (h) Conveyances for transportation uses.—
- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to Washoe County without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
- (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Transportation Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
- (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by Washoe County.
- (4) Use of land.—The land conveyed under paragraph (1) shall be used only for public transportation purposes decided by the Regional Transportation Commission of Washoe County.
- (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (i) Conveyances to the Washoe County School District.—
- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the Washoe County School District without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
- (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “WCSD Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
- (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Washoe County School District.
- (4) Use of land.—The land conveyed under paragraph (1) shall be used only for a public school.
- (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (j) Conveyances to the State of Nevada.—

- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State of Nevada without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
  - (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “NDOW Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
  - (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the State of Nevada.
  - (4) Use of land.—The land conveyed under paragraph (1) shall be used only for wildlife habitat protection.
  - (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (k) Conveyance to Sun Valley General Improvement District.—
- (1) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the Sun Valley General Improvement District without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
  - (2) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Sun Valley GID Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
  - (3) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Sun Valley General Improvement District.
  - (4) Use of land.—The land conveyed under paragraph (1) shall be used only for public recreation.
  - (5) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (l) Conveyance to Reno City Land Trust.
- (1) Conveyance. —Subject to valid existing rights and notwithstanding the land planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the Reno City Land Trust without considering all right, title and interest of the United States in and to the land described in paragraph (2).

- (2) Description of the land. – The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Reno City Land Trust Conveyance” on the map entitled [ \_ ] and dated [ \_ ]/
- (3) Costs. –Any costs related to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Reno City Land Trust.
- (4) Use of land. –The land conveyed under paragraph (1) shall be used only for the purpose of providing affordable housing.
- (5) Reversion. –If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used description in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.
- (m) Conveyance to Regional Transportation Commission of Washoe County.—
- (6) Conveyance.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to Washoe County without consideration all right, title and interest of the United States in and to the land described in paragraph (2).
- (7) Description of land.—The land referred to in paragraph (1) is the approximately [ \_ ] acres depicted as “Transportation Conveyance” on the map entitled [ \_ ] and dated [ \_ ].
- (8) Costs.—Any costs relating to the conveyance under paragraph (1), including costs of surveys and administrative costs, shall be paid by the Regional Transportation Commission of Washoe County.
- (9) Use of land.—The land conveyed under paragraph (1) shall be used only for public transportation purposes decided by the Regional Transportation Commission of Washoe County.
- (10) Reversion.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the used described in paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

## **TITLE II – WILDERNESS AREAS**

### **SEC.201. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.**

- (a) ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of federal land are designated as wilderness and as components of the National Wilderness Preservation System;
- (1) MACY WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally

- on the map entitled “Washoe County Proposed Wilderness Overview”, and dated[\_], which shall be known as the “Macy Wilderness”.
- (2) **BUFFALO HILLS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally on the map entitled “Washoe County Proposed Wilderness Overview”, and dated [-], which shall be known as the “Buffalo Hills Wilderness”.
- (3) **BURRO MOUNTAIN WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally on the map entitled “Washoe County Proposed Wilderness Overview”, and dated [\_], which shall be known as the “Burro Mountain Wilderness”.
- (4) **DRY VALLEY RIM WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally on the map entitled “Washoe County Proposed Wilderness Overview”, and dated[\_], which shall be known as the “Dry Valley Rim Wilderness”.
- (5) **GRANITE-BANJO WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally on the map entitled “Washoe County Proposed Wilderness Overview”, and dated[\_], which shall be known as the “Granite-Banjo Wilderness”.
- (6) **BITNER WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally on the map entitled “Washoe County Proposed Wilderness Overview”, and dated[\_], which shall be known as the “Massacre Rim Wilderness”.
- (7) **TWIN PEAKS WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately [ \_\_\_\_\_ ] acres, as generally on the map entitled “Washoe County Proposed Wilderness Overview”, and dated[\_], which shall be known as the “Macy Wilderness”.
- (b) **BOUNDARY.**—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be 100 feet from the edge of the road.
- (c) **MAP AND LEGAL DESCRIPTION—**
- (1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area.
- (2) **EFFECT.**—Each map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map or legal description.

- (3) AVAILABILITY.—Each map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.
- (4) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—
  - (I) all forms of entry, appropriation, and disposal under the public land laws;
  - (II) location, entry, and patent under the mining laws; and
  - (III) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

## **SEC.202. ADMINISTRATION**

- (a) MANAGEMENT.—Subject to valid existing rights, each area designated as Wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
- (b) LIVESTOCK.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—
  - (1) section 4(d)(4) of the Wilderness ACT (16 U.S.C. 1133(d)(4)); and
  - (2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101<sup>st</sup> Congress (House Report 101-405).
- (c) INCORPORATION OF ACQUIRED LAND AND INTEREST.—Any land or interest in land within the boundaries of the Wilderness that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Wilderness.
- (d) ADJACENT MANAGEMENT.—
  - (1) IN GENERAL.—Congress does not intend for the designation of Wilderness to create protective perimeters or buffer zones around the Wilderness.
  - (2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness shall not preclude the conduct of those activities or uses outside the boundary of the Wilderness.
- (e) MILITARY OVERFLIGHTS.—Nothing in this Act restricts or precludes—
  - (1) low-level overflights of military aircraft over the Wilderness, including military overflights that can be seen or heard within the Wilderness;
  - (2) flight testing and evaluation; or
  - (3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the Wilderness.
- (f) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take

such measures in the Wilderness as are necessary for the control of fire, insect, 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 collection devices in the Wilderness 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 land designated as wilderness by this Act is 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—

(a) actual or proposed water resource facilities located upstream; and

(b) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this Act is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of land designed as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) **PURPOSE.**—The purpose of this section is to protect the wilderness values of the land designated as wilderness by this Act by means other than a federally reserved water right.

(3) **STATUTORY CONSTRUCTION.**—Nothing in this Act—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to the Wilderness;

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

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

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

- (E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.
- (4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the Wilderness.
- (5) NEW PROJECTS—
  - (A) DEFINITION OF WATER RESOURCE FACILITY.—
    - (I) IN GENERAL.—In this paragraph, the term “water resource facility” mean irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.
    - (II) EXCLUSION.—In this paragraph, the term “water resource facility” does not include wildlife guzzlers.
  - (B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—

Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas designated by this Act.

**SEC.203. WILDLIFE MANAGEMENT.**

- (a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133 (d)(7)), nothing in this Act affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including regulation of hunting, fishing, and trapping, in the Wilderness.
- (b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq), the Secretary may conduct any management activities in the Wilderness that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—
  - (1) consistent with relevant wilderness management plans; and
  - (2) in accordance with—
    - (A) the Wilderness Act (16 U.S.C. 1131 et seq.); and
    - (B) appropriate policies, such as those set forth in Appendix B of the report of the Committee of Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101<sup>st</sup> Congress (House Report 101-405), including the occasional and temporary use of motorized

vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

- (c) **EXISTING ACTIVITIES.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in appendix B of the Committee of Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101<sup>st</sup> Congress (House Report 101-405), the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, specifically sage grouse, in the Wilderness.
- (d) **WILDLIFE WATER DEVELOPMENT PROJECTS.**—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas if—
- (1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable and more naturally distributed wildlife populations; and
  - (2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.
- (e) **HUNTING, FISHING, AND TRAPPING.**—
- (1) **IN GENERAL.**—The Secretary may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with application laws, no hunting, fishing or trapping will be permitted in the Wilderness.
    - a. Trapping for predator management will be permitted.
  - (2) **CONSULTATION.**—Except in emergencies, the Secretary shall consult with appropriate State agency and notify public before taking any action under paragraph (1).
- (f) **COOPERATIVE AGREEMENT.**—
- (1) **IN GENERAL.**—The state, including a designee of the State, may conduct wildlife management activities in the Wilderness—
    - (A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled “Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9” as signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and
    - (B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purpose of this subsection, and references to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to Wilderness

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

- (a) Finding.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the land described in subsection (c) has been adequately studied for wilderness designation.
- (b) Release.—Any public land described in subsection (c) that is not designated as wilderness by this title—
  - (1) is no longer subject to section 603(c) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1782(c)); and
  - (2) shall be managed in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) unless otherwise directed in subsection (d).
  - (3) Motorized vehicles.—Motorized vehicles shall be permitted on existing roads and designated off-road vehicle trails depicted on the maps entitled “\_\_\_” and dated [DATE].
    - i. Nothing in paragraph (2) shall
      - (I) prohibit the Bureau of Land Management from adding new or temporary roads through Transportation Management Plan assessments; and
      - (II) prohibit the Bureau of Land Management from temporarily closing roads or trails for safety or administrative reasons.
  - (4) Description of Land.—The land referred to in subsections (a) and (b) consists of approximately [ \_\_\_\_\_ ] acre in the portions of the wilderness study areas in the County not designated as wilderness by section 201 of this Act.
- (c) MANAGEMENT OF RELEASE OF WILDERNESS STUDY AREAS
  - a. In general.—The areas of Sheldon Contiguous Wilderness Study Area, Massacre Rim Wilderness Study Area, Wall Canyon Wilderness Study Area shall
    - i. be managed in a manner that conserves, protects and enhances the resources of the area including any Priority Habitat Areas; and
    - ii. conduct vegetation management subject to such reasonable regulations, policies and practices as the Secretary determines appropriate for the area and any priority habitat within the areas described in paragraph (1); and
    - iii. include recommendations to protect wildlife, natural plants and other natural resources in the district from noxious weeds; and
    - iv. identify resource use determinations, subject to valid existing rights, that support the areas, including compatible uses, such--

1. Grazing allotments and permits; and
2. Vegetation management; and
3. OHV designations to provide adequate public access while protecting habitat.
4. Right-of-way avoidance or exclusion areas.
5. Resource use determinations for fluid mineral development, such as leasing. Closures or major constraints such as No Surface Occupancy stipulations.
6. Resource use determinations for mineral materials and/or non-energy leasable minerals.
7. Recommendations for locatable mineral withdrawals.
8. Disturbance caps on surface-disturbing activities.
9. Grazing activities for permit holders

**Sec.205. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**

Nothing in this Act alters or diminished the treaty rights of any Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 405(b)).

**Sec. 300. ADDITIONS TO THE NATIONAL CONSERVATION AREA PRESERVATION SYSTEM.**

**Sec. 1. Definitions**

**Sec. 2. Establishment**

- (a) Purposes.--In order to conserve, protect, and enhance for the benefit of enjoyment of present and future generations the cultural, archaeological, natural, scientific, historical, biological, wildlife, educational and scenic resources, there is hereby established the [NAME] National Conservation Area.
- (b) Area included.—The Conservation Area shall consist of approximately [##] acres of public land in the County, as generally depicted on the map entitled [NAME] and dated [DATE].
- (c) Effect.—The map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.
- (d) Public availability.—A copy of the map and legal description shall be on file and available for public inspection in the appropriate office of the Bureau of Land Management.

**Sec. 3. Management of Conservation Area**

- (a) In general.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area—

- (1) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and
  - (2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and any other applicable law, including this Act.
- (b) Management plan.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the State, the County, and any other interested persons, shall develop a management plan for the Conservation Area.
- (1) Requirements.—The management plan shall—
    - (A) describe the appropriate uses and management of the Conservation Area;
    - (B) Authorize the use of motorized vehicles in the Conservation Area—
      - (I) for installing, repairing, maintaining, and reconstructing water development projects, including guzzlers, that would enhance the Conservation Area by promoting healthy, viable, and more naturally distributed wildlife populations; and
      - (II) subject to any limitations that are not more restrictive than the limitations on such uses authorized in wilderness areas designated under this act.
  - (2) Cooperative agreements.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate State, local and tribal agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976.
- (c) Uses.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines will further the purpose described in section 2(a).
- (d) INCORPORATION OF ROUTE DESIGNATIONS.—The management plan shall incorporate route designations as defined by [map/existing travel management plan/etc].
- (e) Withdrawal.—
- (1) In general.—Subject to valid existing rights, all public land in the Conservation Area is withdrawn from—
    - (A) all forms of entry and appropriation under the public land laws;
    - (B) location, entry, and patent under the mining laws; and
    - (C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.
  - (2) Additional land.—Notwithstanding any other provision of law, if the Secretary acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this Act, the parcel is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.
- (f) Hunting and fishing.—
- (1) In general.—Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.
  - (2) Limitations.—
    - (A) Regulations.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety,

administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the Conservation Area.

(B) Consultation.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the Conservation Area to hunting, fishing, or trapping.

(g) No buffer zones.—

(1) In general.—The establishment of the Conservation Area shall not create an express or implied protective perimeter or buffer zone around the Conservation Area.

(2) Private land.—If the use of, or conduct of an activity on, private land that shares a boundary with the Conservation Area is consistent with applicable law, nothing in this title concerning the establishment of the Conservation Area shall prohibit or limit the use or conduct of the activity.

(h) Advisory committee.—The Secretary shall establish an advisory committee to advise the Secretary with respect to the preparation and implementation of the management plan, consisting of 8 members appointed by the Secretary, of which—

(1) One member shall be appointed from among recommendations submitted by the Governor of Nevada; and

(2) One member shall be appointed from among recommendations submitted by Washoe County; and

(3) One member shall be appointed from among recommendations submitted by [??] tribe; and

(4) One member shall be appointed to represent the livestock industry; and

(5) One member shall be appointed to represent hunters and anglers; and

(6) One member shall be appointed to represent conservation; and

(7) The remaining members shall be persons recognized as experts in wildlife conservation, ecology, archaeology, or other disciplines directly related to the purposes for which the conservation area is established.