

**Suspend the Rules and Pass the Bill, H.R. 1107, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1107

To promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. AMODEI (for himself and Ms. TITUS) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents of  
2 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

TITLE I—CHECKERBOARD LAND RESOLUTION

Sec. 101. Findings.  
Sec. 102. Definitions.  
Sec. 103. Sale or exchange of eligible land.  
Sec. 104. Disposition of proceeds.

TITLE II—LAND CONVEYANCES AND TRANSFERS

Sec. 201. Conveyances of covered land.  
Sec. 202. Conveyance of land for use as a public cemetery.

TITLE III—WILDERNESS AREAS

Sec. 301. Additions to the National Wilderness Preservation System.  
Sec. 302. Administration.  
Sec. 303. Wildlife management.  
Sec. 304. Release of wilderness study areas.  
Sec. 305. Native American cultural and religious uses.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

7 (2) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior.

9 (3) STATE.—The term “State” means the State  
10 of Nevada.

11 (4) WILDERNESS AREA.—The term “wilderness  
12 area” means a wilderness area designated by section  
13 301(a).

1 **TITLE I—CHECKERBOARD LAND**  
2 **RESOLUTION**

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

5 (1) since the passage of the Act of July 1, 1862  
6 (12 Stat. 489, chapter 120) (commonly known as  
7 the “Pacific Railway Act of 1862”), under which  
8 railroad land grants along the Union Pacific Rail-  
9 road right-of-way created a checkerboard land pat-  
10 tern of alternating public land and privately owned  
11 land, management of the land in the checkerboard  
12 area has been a constant source of frustration for  
13 both private landholders and the Federal Govern-  
14 ment;

15 (2) management of Federal land in the checker-  
16 board area has been costly and difficult for the Fed-  
17 eral land management agencies, creating a disincen-  
18 tive to manage the land effectively;

19 (3) parcels of land within the checkerboard area  
20 in the County will not vary significantly in appraised  
21 value by acre due to the similarity of highest and  
22 best use in the County; and

23 (4) consolidation of appropriate land within the  
24 checkerboard area through sales and as acre-for-acre

1 exchanges for development and Federal management  
2 will—

3 (A) help improve the tax base of the Coun-  
4 ty; and

5 (B) simplify management for the Federal  
6 Government.

7 **SEC. 102. DEFINITIONS.**

8 In this title:

9 (1) **ELIGIBLE LAND.**—The term “eligible land”  
10 means—

11 (A) any land administered by the Director  
12 of the Bureau of Land Management that is  
13 within the area identified on the Map as  
14 “Checkerboard Lands Resolution Area” that is  
15 designated for disposal by the Secretary  
16 through—

17 (i) the Winnemucca Consolidated Re-  
18 source Management Plan; or

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

22 (B) the land identified on the Map as “Ad-  
23 ditional Lands Eligible for Disposal”.

1           (2) MAP.—The term “Map” means the map en-  
2           titled “Pershing County Checkerboard Lands Reso-  
3           lution” and dated February 9, 2017.

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

5           (a) AUTHORIZATION OF CONVEYANCE.—Notwith-  
6           standing sections 202 and 203, subsections (b) through  
7           (i) of section 206, and section 209 of the Federal Land  
8           Policy and Management Act of 1976 (43 U.S.C. 1712,  
9           1713, 1716, 1719), the Secretary, in cooperation with the  
10          County, in accordance with this Act and any other applica-  
11          ble law, and subject to valid existing rights, shall conduct  
12          sales or exchanges of the eligible land.

13          (b) JOINT SELECTION REQUIRED.—The Secretary  
14          and the County shall jointly select which parcels of eligible  
15          land to offer for sale or exchange under subsection (a).

16          (c) COMPLIANCE WITH LOCAL PLANNING AND ZON-  
17          ING LAWS.—Before carrying out a sale or exchange under  
18          subsection (a), the County shall submit to the Secretary  
19          a certification that qualified bidders have agreed to comply  
20          with—

21                  (1) local zoning ordinances; and

22                  (2) any master plan for the area approved by  
23          the County.

24          (d) METHOD OF SALE OR EXCHANGE.—

1           (1) IN GENERAL.—The sale or exchange of eli-  
2           gible land under subsection (a) shall be—

3                   (A) consistent with subsections (b), (d),  
4                   and (f) of section 203 and section 206(a) of the  
5                   Federal Land Policy and Management Act of  
6                   1976 (43 U.S.C. 1713, 1716(a)); and

7                   (B) conducted through—

8                           (i) a sale, which shall be—

9                                   (I) through a competitive bidding  
10                                   process, under which adjoining land-  
11                                   owners are offered the first option,  
12                                   unless otherwise determined by the  
13                                   Secretary;

14                                   (II) for not less than fair market  
15                                   value, based on an appraisal in ac-  
16                                   cordance with the Uniform Standards  
17                                   of Professional Appraisal Practice;  
18                                   and

19                                   (III) conducted in accordance  
20                                   with subsection (f); or

21                                   (ii) subject to paragraph (3), an acre-  
22                                   for-acre exchange for private land located  
23                                   within a Management Priority Area identi-  
24                                   fied under paragraph (4)(A).

1           (2) MASS APPRAISAL.—Not later than 1 year  
2 after the date of enactment of this Act, and every  
3 5 years thereafter, the Secretary shall—

4           (A) conduct a mass appraisal of the eligi-  
5 ble land to determine whether any parcel of eli-  
6 gible land is likely valued at equal to or greater  
7 than \$500 per acre (in 2017 constant dollars,  
8 as measured by the Consumer Price Index);  
9 and

10           (B) make available to the public the results  
11 of the mass appraisal conducted under subpara-  
12 graph (A).

13           (3) EXCLUSION.—

14           (A) IN GENERAL.—If the Secretary deter-  
15 mines that a parcel of eligible land is likely val-  
16 ued at equal to or greater than \$500 per acre  
17 (in 2017 constant dollars, as measured by the  
18 Consumer Price Index) under paragraph  
19 (2)(A), the Secretary shall exclude that parcel  
20 from the acre-for-acre exchange described in  
21 paragraph (1)(B)(ii).

22           (B) PUBLICATION IN FEDERAL REG-  
23 ISTER.—If a mass appraisal of eligible land  
24 under paragraph (2)(A) is not finalized, or up-  
25 to-date and publicly available, before an acre-

1 for-acre exchange described in paragraph  
2 (1)(B)(ii) is completed, the Secretary may final-  
3 ize the exchange if the Secretary publishes in  
4 the Federal Register—

5 (i) a determination stating that the  
6 one or more parcels of eligible land in-  
7 cluded in the exchange are likely valued at  
8 less than \$500 per acre (in 2017 constant  
9 dollars, as measured by the Consumer  
10 Price Index); and

11 (ii) a description of the methodology  
12 used to arrive at that determination.

13 (4) MANAGEMENT PRIORITY AREAS.—

14 (A) IN GENERAL.—Subject to subpara-  
15 graph (B), not later than 1 year after the date  
16 of enactment of this Act, for the purpose of the  
17 exchanges authorized under paragraph  
18 (1)(B)(ii), the Secretary—

19 (i) shall identify Management Priority  
20 Areas within the Checkerboard Lands Res-  
21 olution Area, as identified on the Map,  
22 that are considered by the Secretary to  
23 be—

24 (I) greater sage-grouse habitat;



1 (II) part of an identified wildlife  
2 corridor or designated critical habitat;

3 (III) of value for outdoor recre-  
4 ation or public access for hunting,  
5 fishing, and other recreational pur-  
6 poses;

7 (IV) of significant cultural, his-  
8 toric, ecological, or scenic value; or

9 (V) of value for improving Fed-  
10 eral land management; and

11 (ii) as appropriate, may identify addi-  
12 tional management priority areas in the  
13 County any time after the identification  
14 under clause (i) is completed.

15 (B) LIMITATION.—Management of Federal  
16 land within any Management Priority Area  
17 identified under subparagraph (A) shall not be  
18 changed based solely on that identification.

19 (e) WITHDRAWAL.—

20 (1) IN GENERAL.—Subject to valid existing  
21 rights and mining claims for which the claims main-  
22 tenance fees have been paid in the applicable assess-  
23 ment year, effective on the date on which a parcel  
24 of eligible land is selected for sale or exchange under  
25 subsection (b), that parcel is withdrawn from—

1 (A) all forms of entry and appropriation  
2 under the public land laws, including the min-  
3 ing laws;

4 (B) location, entry, and patent under the  
5 mining laws; and

6 (C) operation of the mineral leasing and  
7 geothermal leasing laws.

8 (2) TERMINATION.—The withdrawal of a parcel  
9 of eligible land under paragraph (1) shall termi-  
10 nate—

11 (A) on the date of sale or, in the case of  
12 exchange, the conveyance of title of the parcel  
13 of eligible land under this title; or

14 (B) with respect to any parcel of eligible  
15 land selected for sale or exchange under sub-  
16 section (b) that is not sold or exchanged, not  
17 later than 2 years after the date on which the  
18 parcel was offered for sale or exchange under  
19 this title.

20 (f) PARAMETERS FOR SALE OR EXCHANGE.—

21 (1) SALES.—

22 (A) DEADLINE.—Except as provided in  
23 paragraph (3), not later than 1 year after the  
24 date of enactment of this Act, and not less fre-  
25 quently than once per year thereafter until the

1 date on which the limitation in subparagraph  
2 (B) has been reached or the date on which the  
3 County requests a postponement under para-  
4 graph (3), the Secretary shall offer for sale the  
5 parcels of eligible land jointly selected under  
6 subsection (b).

7 (B) LIMITATION.—The total acreage of eli-  
8 gible land sold under this title shall consist of  
9 not more than 150,000 acres of eligible land.

10 (2) DEADLINE FOR EXCHANGES.—Except as  
11 provided in paragraph (3), not later than 1 year  
12 after the date on which the Management Priority  
13 Areas are identified under subsection (d)(4)(A), and  
14 not less frequently than once per year thereafter  
15 until the date on which all of the parcels of eligible  
16 land have been disposed of or the date on which the  
17 County requests a postponement under paragraph  
18 (3), the Secretary shall offer for exchange the par-  
19 cels of eligible land jointly selected under subsection  
20 (b).

21 (3) POSTPONEMENT; EXCLUSION FOR SALE OR  
22 EXCHANGE.—

23 (A) REQUEST BY COUNTY FOR POSTPONE-  
24 MENT OR EXCLUSION.—At the request of the  
25 County, the Secretary shall postpone or exclude

1 from a sale or exchange all or a portion of the  
2 eligible land jointly selected under subsection  
3 (b).

4 (B) INDEFINITE POSTPONEMENT.—Unless  
5 specifically requested by the County, a post-  
6 ponement under subparagraph (A) shall not be  
7 indefinite.

8 (C) POSTPONEMENT OR EXCLUSION BY  
9 THE SECRETARY.—The Secretary may postpone  
10 or exclude from a sale or exchange all or a por-  
11 tion of the eligible land jointly selected under  
12 subsection (b) for emergency ecological or safe-  
13 ty reasons.

14 **SEC. 104. DISPOSITION OF PROCEEDS.**

15 (a) DISPOSITION OF PROCEEDS.—Of the proceeds  
16 from the sale of land under section 103 or 201—

17 (1) 5 percent shall be disbursed to the State for  
18 use in the general education program of the State;

19 (2) 10 percent shall be disbursed to the County  
20 for use as determined through normal County budg-  
21 eting procedures; and

22 (3) the remainder shall be deposited in a special  
23 account in the Treasury of the United States, to be  
24 known as the “Pershing County Special Account”,

1       which shall be available to the Secretary, in con-  
2       sultation with the County, for—

3               (A) the reimbursement of costs incurred by  
4       the Department of the Interior in preparing for  
5       the sale or exchange of the eligible land, includ-  
6       ing—

7                       (i) the costs of surveys and appraisals;

8                       and

9                       (ii) the costs of compliance with the  
10       National Environmental Policy Act of  
11       1969 (42 U.S.C. 4321 et seq.) and sec-  
12       tions 202 and 203 of the Federal Land  
13       Policy and Management Act of 1976 (43  
14       U.S.C. 1712, 1713);

15               (B) the conduct of wildlife habitat con-  
16       servation and restoration projects, including  
17       projects that benefit the greater sage-grouse in  
18       the County;

19               (C) a project or activity carried out in the  
20       County to address drought conditions;

21               (D) the implementation of wildfire  
22       presuppression and restoration projects in the  
23       County;

1 (E) the acquisition of environmentally sen-  
2 sitive land or interests in environmentally sen-  
3 sitive land in the County;

4 (F) projects that secure public access to  
5 Federal land for hunting, fishing, and other  
6 recreational purposes through easements or  
7 rights-of-way in the County; and

8 (G) the conduct of any surveys related to  
9 the designation of the wilderness areas under  
10 title III.

11 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any  
12 amounts deposited in the special account established  
13 under subsection (a)(3)—

14 (1) shall earn interest in an amount determined  
15 by the Secretary of the Treasury, based on the cur-  
16 rent average market yield on outstanding marketable  
17 obligations of the United States of comparable ma-  
18 turities; and

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

21 (c) REPORTS.—

22 (1) IN GENERAL.—Beginning with fiscal year  
23 2020, and once every 5 fiscal years thereafter, not  
24 later than 60 days after the last day of the pre-  
25 ceding fiscal year, the Secretary shall submit to the

1 State, the County, and the appropriate committees  
2 of Congress a report on the operation of the special  
3 account established under subsection (a)(3) for the  
4 preceding 5 fiscal years.

5 (2) CONTENTS.—Each report submitted under  
6 paragraph (1) shall include, for the fiscal year cov-  
7 ered by the report—

8 (A) a statement of the amounts deposited  
9 into the special account;

10 (B) a description of the expenditures made  
11 from the special account for the fiscal year, in-  
12 cluding the purpose of the expenditures;

13 (C) recommendations for additional au-  
14 thorities to fulfill the purpose of the special ac-  
15 count; and

16 (D) a statement of the balance remaining  
17 in the special account at the end of the fiscal  
18 year.

## 19 **TITLE II—LAND CONVEYANCES** 20 **AND TRANSFERS**

### 21 **SEC. 201. CONVEYANCES OF COVERED LAND.**

22 (a) DEFINITIONS.—In this section:

23 (1) COVERED LAND.—The term “covered land”  
24 means any Federal land or interest in Federal land

1 in the County identified on the Map as “Covered  
2 Land”.

3 (2) MAP.—The term “Map” means the map en-  
4 titled “Pershing County Land Conveyances and  
5 Transfers” and dated February 9, 2017.

6 (3) QUALIFIED ENTITY.—The term “qualified  
7 entity” means, with respect to a portion of covered  
8 land—

9 (A) the owner of the mining claims, mill-  
10 sites, or tunnel sites on a portion of the covered  
11 land on the date of enactment of this Act;

12 (B) the lessee, or other successor in inter-  
13 est of the owner—

14 (i) with the right of possession of the  
15 mining claims, millsites, or tunnel sites on  
16 the covered land;

17 (ii) that has paid (or whose agent has  
18 paid) the annual claim maintenance fee or  
19 filed a maintenance fee waiver on or before  
20 September 1, 2017, with the authority or  
21 consent of the owner, for the upcoming as-  
22 sessment year for the mining claims, mill-  
23 sites, or tunnel sites within the exterior  
24 boundary of the portion of covered land, as  
25 determined based on the claim mainte-



1 nance fee records of the Bureau of Land  
2 Management as of the date of introduction  
3 of this Act; and

4 (iii) that has the authority or consent  
5 of the owner to acquire the portion of cov-  
6 ered land; or

7 (C) a subsequent successor to the interest  
8 of a qualified entity in the covered land that  
9 has the authority or consent of the owner to ac-  
10 quire the portion of covered land.

11 (b) LAND CONVEYANCES.—

12 (1) IN GENERAL.—Subject to paragraph (3),  
13 notwithstanding the inventory and land use planning  
14 requirements of sections 201 and 202 or the sales  
15 provisions of section 203 of the Federal Land Policy  
16 and Management Act of 1976 (43 U.S.C. 1711,  
17 1712, 1713), not later than 180 days after the date  
18 of enactment of this Act and subject to valid existing  
19 rights held by third parties and any mining claims,  
20 millsite, or tunnel site of a qualified entity applicable  
21 to the covered land, the Secretary shall offer for sale  
22 to qualified entities, for fair market value, the re-  
23 maining right, title, and interest of the United  
24 States in and to the covered land.

1           (2) CONVEYANCE.—Not later than 1 year after  
2 the date of the acceptance of an offer under para-  
3 graph (1) by a qualified entity and completion of a  
4 sale for all or part of the covered land to a qualified  
5 entity, the Secretary, by delivery of an appropriate  
6 deed, patent, or other valid instrument of convey-  
7 ance, shall convey to the qualified entity, all remain-  
8 ing right, title, and interest of the United States in  
9 and to the applicable portion of the covered land.

10           (3) MERGER.—Subject to valid existing rights  
11 held by third parties, on delivery of the instrument  
12 of conveyance to the qualified entity under para-  
13 graph (2), any prior interests in the locatable min-  
14 erals and the right to use the surface for mineral  
15 purposes held by the qualified entity under a mining  
16 claim, millsite, tunnel site, or any other Federal land  
17 use authorization applicable to the covered land con-  
18 veyed to the qualified entity shall merge with all  
19 right, title, and interest conveyed to the qualified en-  
20 tity by the United States under this section to en-  
21 sure that the qualified entity receives fee simple title  
22 to the purchased covered land.

23           (4) APPRAISAL TO DETERMINE FAIR MARKET  
24 VALUE.—The Secretary shall determine the fair

1 market value of the covered land to be conveyed  
2 under this subsection in accordance with—

3 (A) the Federal Land Policy and Manage-  
4 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

5 (B) the Uniform Standards of Professional  
6 Appraisal Practice.

7 (5) COSTS.—As a condition of the conveyance  
8 of the covered land under this section, the qualified  
9 entity shall pay all costs related to the conveyance  
10 of the covered land conveyed, including the costs of  
11 surveys and other administrative costs associated  
12 with the conveyance.

13 (6) AVAILABILITY OF MAP.—The Map shall be  
14 on file and available for public inspection in the ap-  
15 propriate offices of the Bureau of Land Manage-  
16 ment.

17 (7) MINOR CORRECTIONS.—The Secretary, in  
18 consultation with the County, may correct minor er-  
19 rors in the Map or a description of the covered land.

20 (c) DISPOSITION OF PROCEEDS.—Any amounts col-  
21 lected under this section shall be disposed of in accordance  
22 with section 104.

23 (d) TERMINATION.—The authority of the Secretary  
24 to sell covered land under this section shall terminate on

1 the date that is 10 years after the date of enactment of  
2 this Act.

3 **SEC. 202. CONVEYANCE OF LAND FOR USE AS A PUBLIC**  
4 **CEMETERY.**

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

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

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

15 **TITLE III—WILDERNESS AREAS**

16 **SEC. 301. ADDITIONS TO THE NATIONAL WILDERNESS**  
17 **PRESERVATION SYSTEM.**

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

23 (1) CAIN MOUNTAIN WILDERNESS.—Certain  
24 Federal land managed by the Bureau of Land Man-  
25 agement, comprising approximately 12,339 acres, as

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

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

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

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

1           (5) NORTH SAHWAVE WILDERNESS.—Certain  
2 Federal land managed by the Bureau of Land Man-  
3 agement, comprising approximately 13,875 acres, as  
4 generally depicted on the map entitled “Proposed  
5 North Sahwave Wilderness” and dated February 9,  
6 2017, which shall be known as the “North Sahwave  
7 Wilderness”.

8           (6) GRANDFATHERS’ WILDERNESS.—Certain  
9 Federal land managed by the Bureau of Land Man-  
10 agement, comprising approximately 35,339 acres, as  
11 generally depicted on the map entitled “Proposed  
12 Grandfathers’ Wilderness” and dated February 9,  
13 2017, which shall be known as the “Grandfathers’  
14 Wilderness”.

15           (7) FENCEMAKER WILDERNESS.—Certain Fed-  
16 eral land managed by the Bureau of Land Manage-  
17 ment, comprising approximately 14,942 acres, as  
18 generally depicted on the map entitled “Proposed  
19 Fencemaker Wilderness” and dated February 9,  
20 2017, which shall be known as the “Fencemaker  
21 Wilderness”.

22           (b) BOUNDARY.—The boundary of any portion of a  
23 wilderness area that is bordered by a road shall be 100  
24 feet from the centerline of the road.

25           (c) MAP AND LEGAL DESCRIPTION.—

1           (1) IN GENERAL.—As soon as practicable after  
2 the date of enactment of this Act, the Secretary  
3 shall file a map and legal description of each wilder-  
4 ness area.

5           (2) EFFECT.—Each map and legal description  
6 prepared under paragraph (1) shall have the same  
7 force and effect as if included in this Act, except  
8 that the Secretary may correct clerical and typo-  
9 graphical errors in the map or legal description.

10          (3) AVAILABILITY.—Each map and legal de-  
11 scription prepared under paragraph (1) shall be on  
12 file and available for public inspection in the appro-  
13 priate offices of the Bureau of Land Management.

14          (4) WITHDRAWAL.—Subject to valid existing  
15 rights, the wilderness areas designated by subsection  
16 (a) are withdrawn from—

17               (A) all forms of entry, appropriation, and  
18 disposal under the public land laws;

19               (B) location, entry, and patent under the  
20 mining laws; and

21               (C) disposition under all laws relating to  
22 mineral and geothermal leasing or mineral ma-  
23 terials.

1 **SEC. 302. ADMINISTRATION.**

2 (a) **MANAGEMENT.**—Subject to valid existing rights,  
3 the wilderness areas shall be administered by the Sec-  
4 retary in accordance with the Wilderness Act (16 U.S.C.  
5 1131 et seq.), except that—

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

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

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

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

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

24 (c) **INCORPORATION OF ACQUIRED LAND AND INTER-**  
25 **ESTS.**—Any land or interest in land within the boundary  
26 of a wilderness area that is acquired by the United States



1 after the date of enactment of this Act shall be added to  
2 and administered as part of the wilderness area.

3 (d) ADJACENT MANAGEMENT.—

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

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

13 (e) MILITARY OVERFLIGHTS.—Nothing in this Act  
14 restricts or precludes—

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

19 (2) flight testing and evaluation; or

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

23 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-  
24 MENT.—In accordance with section 4(d)(1) of the Wilder-  
25 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take

1 such measures in the wilderness areas as are necessary  
2 for the control of fire, insects, and diseases (including, as  
3 the Secretary determines to be appropriate, the coordina-  
4 tion of the activities with a State or local agency).

5 (g) CLIMATOLOGICAL DATA COLLECTION.—In ac-  
6 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)  
7 and subject to such terms and conditions as the Secretary  
8 may prescribe, the Secretary may authorize the installa-  
9 tion and maintenance of hydrologic, meteorologic, or cli-  
10 matological data collection devices in the wilderness areas  
11 if the Secretary determines that the facilities and access  
12 to the facilities are essential to flood warning, flood con-  
13 trol, or water reservoir operation activities.

14 (h) WATER RIGHTS.—

15 (1) FINDINGS.—Congress finds that—

16 (A) the wilderness areas are located—

17 (i) in the semiarid region of the Great  
18 Basin; and

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

22 (I) actual or proposed water re-  
23 source facilities located upstream; and

24 (II) opportunities for diversion,  
25 storage, or other uses of water occur-

1 ring outside the land that would ad-  
2 versely affect the wilderness values of  
3 the land;

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

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

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

16 (3) STATUTORY CONSTRUCTION.—Nothing in  
17 this Act—

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

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

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

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

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

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

14 (5) NEW PROJECTS.—

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

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

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

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

13 (i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

14 (1) IN GENERAL.—Nothing in this Act prevents  
15 the placement of a temporary telecommunications  
16 device for law enforcement or agency administrative  
17 purposes in the Selenite Peak Wilderness in accord-  
18 ance with paragraph (2).

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

22 (A) be carried out in accordance with—

23 (i) the Wilderness Act (16 U.S.C.  
24 1131 et seq.); and

1 (ii) all other applicable laws (including  
2 regulations);

3 (B) to the maximum practicable, be located  
4 in such a manner as to minimize impacts on the  
5 recreational and other wilderness values of the  
6 area; and

7 (C) be for a period of not longer than 7  
8 years.

9 **SEC. 303. WILDLIFE MANAGEMENT.**

10 (a) IN GENERAL.—In accordance with section  
11 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
12 nothing in this Act affects or diminishes the jurisdiction  
13 of the State with respect to fish and wildlife management,  
14 including the regulation of hunting, fishing, and trapping,  
15 in the wilderness areas.

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

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

25 (2) in accordance with—

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

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

16 (c) EXISTING ACTIVITIES.—Consistent with section  
17 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and  
18 in accordance with appropriate policies such as those set  
19 forth in Appendix B of the Committee on Interior and In-  
20 sular Affairs of the House of Representatives accom-  
21 panying H.R. 2570 of the 101st Congress (House Report  
22 101–405), the State may continue to use aircraft, includ-  
23 ing helicopters, to survey, capture, transplant, monitor,  
24 and provide water for wildlife populations, specifically  
25 sage-grouse, in the wilderness areas.

1 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

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

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

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

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

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

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

24 (f) COOPERATIVE AGREEMENT.—



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

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

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

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

21 **SEC. 304. RELEASE OF WILDERNESS STUDY AREAS.**

22           (a) FINDING.—Congress finds that, for the purposes  
23           of section 603(e) of the Federal Land Policy and Manage-  
24           ment Act of 1976 (43 U.S.C. 1782(e)), the approximately  
25           48,600 acres of public land in the portions of the China

1 Mountain, Mt. Limbo, Selenite Mountains, and Tobin  
2 Range wilderness study areas that have not been des-  
3 ignated as wilderness by section 301(a) and the portion  
4 of the Augusta Mountains wilderness study area within  
5 the County that has not been designated as wilderness by  
6 section 301(a) have been adequately studied for wilderness  
7 designation.

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

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

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

17 **SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
18 **USES.**

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

23 (b) CULTURAL USES.—Nothing in this title precludes  
24 the traditional collection of pine nuts in a wilderness area

1 for personal, noncommercial use consistent with the Wil-  
2 derness Act (16 U.S.C. 1131 et seq.).