

113TH CONGRESS
1ST SESSION

H. R. 697

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

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

A BILL

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Three Kids Mine Re-
5 mediation and Reclamation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) HAZARDOUS SUBSTANCE; POLLUTANT OR
2 CONTAMINANT; RELEASE; REMEDY; RESPONSE.—
3 The terms “hazardous substance”, “pollutant or
4 contaminant”, “release”, “remedy”, and “response”
5 have the meanings respectively set forth for those
6 terms in section 101 of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act
8 of 1980 (42 U.S.C. 9601).

9 (2) HENDERSON REDEVELOPMENT AGENCY.—
10 The term “Henderson Redevelopment Agency”
11 means the public body, corporate and politic, known
12 as the redevelopment agency of the City of Hender-
13 son, Nevada, established and authorized to transact
14 business and exercise its powers in accordance with
15 the Nevada Community Redevelopment Law (Nev.
16 Rev. Stat. 279.382 to 279.685, inclusive).

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (4) STATE.—The term “State” means the State
20 of Nevada.

21 (5) THREE KIDS MINE FEDERAL LAND.—The
22 term “Three Kids Mine Federal Land” means the
23 parcel or parcels of Federal land consisting of ap-
24 proximately 948 acres in sections 26, 34, 35, and
25 36, Township 21 South, Range 63 East, Mount Dia-

1 blo Meridian, Nevada, as depicted on the map enti-
2 tled “Three Kids Mine Project Area” and dated
3 February 6, 2012.

4 (6) THREE KIDS MINE PROJECT SITE.—The
5 term “Three Kids Mine Project Site” means the
6 Three Kids Mine Federal Land and the adjacent ap-
7 proximately 314 acres of non-Federal land, together
8 comprising approximately 1,262 acres, as depicted
9 on the map entitled “Three Kids Mine Project
10 Area” and dated February 6, 2012.

11 **SEC. 3. LAND CONVEYANCE.**

12 (a) IN GENERAL.—Notwithstanding sections 202 and
13 203 of the Federal Land Policy and Management Act of
14 1976 (43 U.S.C. 1712, 1713), as soon as practicable after
15 fulfillment of the conditions in subsection (b), and subject
16 to valid existing rights, the Secretary shall convey to the
17 Henderson Redevelopment Agency all right, title, and in-
18 terest of the United States in the Three Kids Mine Fed-
19 eral Land.

20 (b) CONDITIONS.—

21 (1) DETERMINATION OF FAIR MARKET
22 VALUE.—The Secretary shall administratively adjust
23 the fair market value of the Three Kids Mine Fed-
24 eral Land as determined pursuant to paragraph (2)
25 by deducting from the fair market value of the

1 Three Kids Mine Federal Land the reasonable ap-
2 proximate assessment, remediation and reclamation
3 costs for the Three Kids Mine Project Area as deter-
4 mined pursuant to paragraph (3). The Secretary
5 shall begin the appraisal and cost determination
6 under paragraphs (2) and (3), respectively, not later
7 than 30 days after the date of the enactment of this
8 Act.

9 (2) APPRAISAL.—The Secretary shall determine
10 the fair market value of the Three Kids Mine Fed-
11 eral Land based on an appraisal without regard to
12 any existing contamination associated with historical
13 mining or other uses on the property and in accord-
14 ance with nationally recognized appraisal standards
15 including the Uniform Appraisal Standards for Fed-
16 eral Land Acquisitions and the Uniform Standards
17 of Professional Appraisal Practice. The Henderson
18 Redevelopment Agency shall reimburse the Secretary
19 for costs incurred in performing the appraisal.

20 (3) REMEDIATION AND RECLAMATION COSTS.—
21 The Secretary shall prepare a reasonable approxi-
22 mate estimation of the costs to assess, remediate,
23 and reclaim the Three Kids Mine Project Site. This
24 estimation shall be based upon the results of a com-
25 prehensive Phase II environmental site assessment

1 of the Three Kids Mine Project Site prepared by the
2 Henderson Redevelopment Agency or its designee
3 that has been approved by the State, and shall be
4 prepared in accordance with the current version of
5 ASTM International Standard E-2137-06 entitled
6 “Standard Guide for Estimating Monetary Costs
7 and Liabilities for Environmental Matters”. The
8 Phase II environmental site assessment shall, with-
9 out limiting any additional requirements that may be
10 required by the State, be conducted in accordance
11 with the procedures of the current versions of ASTM
12 International Standard E-1527-05 entitled “Stand-
13 ard Practice for Environmental Site Assessments:
14 Phase I Environmental Site Assessment Process”
15 and ASTM International Standard E-1903-11 enti-
16 tled “Standard Practice for Environmental Site As-
17 sessments: Phase II Environmental Site Assessment
18 Process”. The Secretary shall review and consider
19 cost information proffered by the Henderson Rede-
20 velopment Agency and the State. In the event of a
21 disagreement among the Secretary, Henderson Re-
22 development Agency, and the State over the reason-
23 able approximate estimate of costs, the parties shall
24 jointly select one or more experts to advise the Sec-

1 retary in making the final determination of such
2 costs.

3 (4) CONSIDERATION.—The Henderson Redevel-
4 opment Agency shall pay the fair market value, if
5 any, as determined under this subsection.

6 (5) MINE REMEDIATION AND RECLAMATION
7 AGREEMENT EXECUTED.—The Secretary receives
8 from the State notification, in writing, that the Mine
9 Remediation and Reclamation Agreement has been
10 executed. The Mine Remediation and Reclamation
11 Agreement shall be an enforceable consent order or
12 agreement administered by the State that—

13 (A) obligates a party to perform, after the
14 conveyance of the Three Kids Mine Federal
15 Land under this Act, the remediation and rec-
16 lamation work at the Three Kids Mine Project
17 Site necessary to complete a permanent and ap-
18 propriately protective remedy to existing envi-
19 ronmental contamination and hazardous condi-
20 tions; and

21 (B) contains provisions determined to be
22 necessary by the State, including financial as-
23 surance provisions to ensure the completion of
24 such remedy.

1 (6) NOTIFICATION.—The Secretary receives
2 from the Henderson Redevelopment Agency notifica-
3 tion, in writing, that the Henderson Redevelopment
4 Agency is prepared to accept conveyance of the
5 Three Kids Mine Federal Land under this Act. Such
6 notification must occur not later than 90 days after
7 execution of the Mine Remediation and Reclamation
8 Agreement referred to in paragraph (5).

9 **SEC. 4. WITHDRAWAL.**

10 (a) IN GENERAL.—Subject to valid existing rights,
11 for the 10-year period following the date of the enactment
12 of this Act or on the date of the conveyance required by
13 this Act, whichever is earlier, the Three Kids Mine Federal
14 Land is withdrawn from all forms of—

15 (1) entry, appropriation, operation, or disposal
16 under the public land laws;

17 (2) location, entry, and patent under the mining
18 laws; and

19 (3) disposition under the mineral leasing, min-
20 eral materials, and the geothermal leasing laws.

21 (b) EXISTING RECLAMATION WITHDRAWALS.—Sub-
22 ject to valid existing rights, any withdrawal of public land
23 for reclamation project purposes that includes all or any
24 portion of the Three Kids Mine Federal Land for which
25 the Bureau of Reclamation has determined that it has no

1 further need under applicable law is hereby relinquished
2 and revoked solely to the extent necessary to exclude from
3 the withdrawal the land no longer needed and to allow for
4 the immediate conveyance of the Three Kids Mine Federal
5 Land as required under this Act.

6 (c) EXISTING RECLAMATION PROJECT AND PER-
7 MITTED FACILITIES.—Without limiting the general appli-
8 cability of section 3(a), nothing in this Act shall diminish,
9 hinder, or interfere with the exclusive and perpetual use
10 by existing rights holders for the operation, maintenance,
11 and improvement of water conveyance infrastructure and
12 facilities, including all necessary ingress and egress, situ-
13 ated on the Three Kids Mine Federal Land that were con-
14 structed or permitted by the Bureau of Reclamation prior
15 to the effective date of this Act.

16 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

17 Notwithstanding section 203 of the Federal Land
18 Policy and Management Act of 1976 (43 U.S.C. 1717),
19 the boundary of the River Mountains Area of Critical En-
20 vironmental Concern (NVN 76884) is hereby adjusted
21 consistent with the map entitled “Three Kids Mine Project
22 Area” and dated February 6, 2012.

23 **SEC. 6. RELEASE OF THE UNITED STATES.**

24 Upon making the conveyance under section 3, not-
25 withstanding any other provision of law, the United States

1 is released from any and all liabilities or claims of any
2 kind or nature arising from the presence, release, or threat
3 of release of any hazardous substance, pollutant, contami-
4 nant, petroleum product (or derivative of a petroleum
5 product of any kind), solid waste, mine materials or min-
6 ing related features (including tailings, overburden, waste
7 rock, mill remnants, pits, or other hazards resulting from
8 the presence of mining related features) at the Three Kids
9 Mine Project Site in existence on or before the date of
10 the conveyance.

11 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**
12 **ACT.**

13 Southern Nevada Public Land Management Act of
14 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall
15 not apply to land conveyed under this Act.

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