



## Document

# Clark County Conservation of Public Land and Natural Resources Act of 2002

HR 5200 EH  
107th CONGRESS  
2d Session  
**H. R. 5200**

*Title II of the Clark County bill is concerned with the designation of wilderness. This bill designated 452,000 acres of new wilderness in southern Nevada.*

## **AN ACT**

To establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

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

## **TITLE II--WILDERNESS AREAS**

### **SEC. 201. FINDINGS.**

The Congress finds that--

- (1) public land in the County contains unique and spectacular natural resources, including--
  - (A) priceless habitat for numerous species of plants and wildlife; and
  - (B) thousands of acres of pristine land that remain in a natural state;
- (2) continued preservation of those areas would benefit the County and all of the United States by--
  - (A) ensuring the conservation of ecologically diverse habitat;
  - (B) conserving primitive recreational resources; and
  - (C) protecting air and water quality.

### **SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.**

(a) ADDITIONS- The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

- (1) ARROW CANYON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 27,530 acres, as generally depicted on the map

entitled `Arrow Canyon', dated October 1, 2002, which shall be known as the `Arrow Canyon Wilderness'.

(2) BLACK CANYON WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 17,220 acres, as generally depicted on the map entitled `Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the Black Canyon Wilderness .

(3) BRIDGE CANYON WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 7,761 acres, as generally depicted on the map entitled `Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as `the Bridge Canyon Wilderness'.

(4) ELDORADO WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 31,950 acres, as generally depicted on the map entitled `Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the `Eldorado Wilderness'.

(5) IRETEBA PEAKS WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 32,745 acres, as generally depicted on the map entitled `Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the `Ireteba Peaks Wilderness'.

(6) JIMBILNAN WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 18,879 acres, as generally depicted on the map entitled `Muddy Mountains', dated October 1, 2002, which shall be known as the `Jimbilnan Wilderness'.

(7) JUMBO SPRINGS WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,631 acres, as generally depicted on the map entitled `Gold Butte', dated October 1, 2002, which shall be known as the `Jumbo Springs Wilderness'.

(8) LA MADRE MOUNTAIN WILDERNESS- Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 47,180 acres, as generally depicted on the map entitled `Spring Mountains', dated October 1, 2002, which shall be known as the `La Madre Mountain Wilderness'.

(9) LIME CANYON WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 23,233 acres, as generally depicted on the map entitled `Gold Butte', dated October 1, 2002, which shall be known as the `Lime Canyon Wilderness'.

(10) MT. CHARLESTON WILDERNESS ADDITIONS- Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 13,598 acres, as generally depicted on the map entitled `Spring Mountains', dated October 1, 2002, which shall be included in the Mt. Charleston Wilderness.

(11) MUDDY MOUNTAINS WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of land managed by the Bureau of Land Management, comprising approximately 48,019 acres, as generally depicted on the map

entitled `Muddy Mountains', dated October 1, 2002, which shall be known as the Muddy Mountains Wilderness.

(12) NELLIS WASH WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 16,423 acres, as generally depicted on the map entitled `Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the Nellis Wash Wilderness.

(13) NORTH MCCULLOUGH WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,763 acres, as generally depicted on the map entitled `McCulloughs', dated October 1, 2002, which shall be known as the North McCullough Wilderness.

(14) PINTO VALLEY WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 39,173 acres, as generally depicted on the map entitled `Muddy Mountains', dated October 1, 2002, which shall be known as the Pinto Valley Wilderness.

(15) RAINBOW MOUNTAIN WILDERNESS- Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 24,997 acres, as generally depicted on the map entitled `Spring Mountains', dated October 1, 2002, which shall be known as the Rainbow Mountain Wilderness.

(16) SOUTH MCCULLOUGH WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 44,245 acres, as generally depicted on the map entitled `McCulloughs', dated October 1, 2002, which shall be known as the South McCullough Wilderness.

(17) SPIRIT MOUNTAIN WILDERNESS- Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 33,518 acres, as generally depicted on the map entitled `Eldorado/Spirit Mountain', dated October 1, 2002, which shall be known as the Spirit Mountain Wilderness.

(18) WEE THUMP JOSHUA TREE WILDERNESS- Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,050 acres, as generally depicted on the map entitled `McCulloughs', dated October 1, 2002, which shall be known as the Wee Thump Joshua Tree Wilderness.

(b) BOUNDARY-

(1) LAKE OFFSET- The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by Lake Mead, Lake Mohave, or the Colorado River shall be 300 feet inland from the high water line.

(2) ROAD OFFSET- The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(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 designated by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT- Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY- Each map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, National Park Service, or Forest Service, as applicable.

(d) WITHDRAWAL- Subject to valid existing rights, the wilderness areas designated in this section are withdrawn from--

- (1) all forms of entry, appropriation, and disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

### **SEC. 203. 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--

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

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary of the Interior.

(b) LIVESTOCK- Within the wilderness areas designated under this title that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) INCORPORATION OF ACQUIRED LANDS AND INTERESTS- Any land or interest in land within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) WATER RIGHTS-

(1) FINDINGS- Congress finds that--

(A) the lands designated as Wilderness by this Act are within the Mojave Desert, are arid in nature, and include ephemeral streams;

(B) the hydrology of the lands designated as wilderness by this Act is locally characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region is characterized by ground water subject to local and regional flow gradients and artesian aquifers;

(D) the lands designated as wilderness by this Act are generally not suitable for use or development of new water resource facilities and there are no actual or proposed water resource facilities and no opportunities for diversion, storage, or other uses of water

occurring outside such lands that would adversely affect the wilderness or other values of such lands; and

(E) because of the unique nature and hydrology of these desert lands designated as wilderness by this Act and the existence of the Clark County Multi-Species Habitat Conservation Plan it is possible to provide for proper management and protection of the wilderness, perennial springs and other values of such lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION-

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the lands designated as Wilderness by this Act.

(B) Nothing in this Act shall affect any water rights in the State of Nevada existing on the date of the enactment of this Act, including any water rights held by the United States.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Nevada and other States.

(E) Nothing in this subsection shall be construed as limiting, altering, modifying, or amending the Clark County Multi-Species Habitat Conservation Plan (MSHCP) with respect to the lands designated as Wilderness by this Act including the MSHCP's specific management actions for the conservation of perennial springs.

(3) NEVADA WATER LAW- The Secretary shall follow the procedural and substantive requirements of the law of the State of Nevada 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 areas designated by this Act.

(4) NEW PROJECTS-

(A) As used in this paragraph, the term 'water resource' facility means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. The term 'water resource' facility does not include wildlife guzzlers.

(B) 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. 204. ADJACENT MANAGEMENT.**

(a) IN GENERAL- Congress does not intend for the designation of wilderness in the State pursuant to this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES- The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

## **SEC. 205. MILITARY OVERFLIGHTS.**

Nothing in this title restricts or precludes--

- (1) low-level overflights of military aircraft over the areas designated as wilderness by this title, including military overflights that can be seen or heard within the wilderness areas;
- (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 areas.

## **SEC. 206. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**

Nothing in this Act shall be construed to diminish the rights of any Indian Tribe. Nothing in this Act shall be construed to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

## **SEC. 207. RELEASE OF WILDERNESS STUDY AREAS.**

(a) FINDING- Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management and the Forest Service in the following areas have been adequately studied for wilderness designation:

- (1) The Garrett Buttes Wilderness Study Area.
- (2) The Quail Springs Wilderness Study Area.
- (3) The Nellis A, B, C Wilderness Study Area.
- (4) Any portion of the wilderness study areas--
  - (A) not designated as wilderness by section 202(a); and
  - (B) designated for release on--
    - (i) the map entitled `Muddy Mountains' and dated October 1, 2002;
    - (ii) the map entitled `Spring Mountains' and dated October 1, 2002;
    - (iii) the map entitled `Arrow Canyon' and dated October 1, 2002;
    - (iv) the map entitled `Gold Butte' and dated October 1, 2002;
    - (v) the map entitled `McCullough Mountains' and dated October 1, 2002;
    - (vi) the map entitled `El Dorado/Spirit Mountain' and dated October 1, 2002; or
    - (vii) the map entitled `Southern Nevada Public Land Management Act' and dated October 1, 2002.

(b) RELEASE- Except as provided in subsection (c), any public land described in subsection (a) that is not designated as wilderness by this title--

- (1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and
- (2) shall be managed in accordance with--
  - (A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) existing cooperative conservation agreements.

(c) RIGHT-OF-WAY GRANT- The Secretary shall issue to the State-regulated sponsor of the Centennial Project the right-of-way for the construction and maintenance of two 500-kilovolt electrical transmission lines. The construction shall occur within a 500-foot-wide corridor that is released from the Sunrise Mountains Instant Study Area in the County as depicted on the Southern Nevada Public Land Management Act map, dated October 1, 2002.

## **SEC. 208. 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 title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this title.

(b) MANAGEMENT ACTIVITIES- In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(c) EXISTING ACTIVITIES- Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, horses, and burros.

(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 designated by this title 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- The Secretary may designate by regulation areas in consultation with the appropriate State agency (except in emergencies), 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 wilderness areas designated by this title.

(f) COOPERATIVE AGREEMENT- No later than one year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State of Nevada. The cooperative agreement shall specify the terms and conditions under which the State (including a designee of the State) may use wildlife management activities in the wilderness areas designated by this title.

### **SEC. 209. WILDFIRE MANAGEMENT.**

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this title.

### **SEC. 210. CLIMATOLOGICAL DATA COLLECTION.**

Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this title if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

### **SEC. 211. NATIONAL PARK SERVICE LANDS.**

To the extent any of the provisions of this title are in conflict with laws, regulations, or management policies applicable to the National Park Service for Lake Mead National Recreation Area, those laws, regulations, or policies shall control.