

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 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.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) SECRETARY.—The term “Secretary” means  
 6 the Secretary of the Interior.

7 (3) STATE.—The term “State” means the State  
 8 of Nevada.

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

12 **TITLE I—CHECKERBOARD LAND**  
 13 **RESOLUTION**

**14 SEC. 101. FINDINGS.**

15 Congress finds that—

16 (1) since the passage of the Act of July 1, 1862  
 17 (12 Stat. 489, chapter 120) (commonly known as

1 the “Pacific Railway Act of 1862”), under which  
2 railroad land grants along the Union Pacific Rail-  
3 road right-of-way created a checkerboard land pat-  
4 tern of alternating public land and privately owned  
5 land, management of the land in the checkerboard  
6 area has been a constant source of frustration for  
7 both private landholders and the Federal Govern-  
8 ment;

9 (2) management of Federal land in the checker-  
10 board area has been costly and difficult for the Fed-  
11 eral land management agencies, creating a disincen-  
12 tive to manage the land effectively;

13 (3) parcels of land within the checkerboard area  
14 in the County will not vary significantly in appraised  
15 value by acre due to the similarity of highest and  
16 best use in the County; and

17 (4) consolidation of appropriate land within the  
18 checkerboard area through sales and as acre-for-acre  
19 exchanges for development and Federal management  
20 will—

21 (A) help improve the tax base of the Coun-  
22 ty; and

23 (B) simplify management for the Federal  
24 Government.

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) **ELIGIBLE LAND.**—The term “eligible land”  
4 means—

5 (A) any land administered by the Director  
6 of the Bureau of Land Management that is  
7 within the area identified on the Map as  
8 “Checkerboard Lands Resolution Area” that is  
9 designated for disposal by the Secretary  
10 through—

11 (i) the Winnemucca Consolidated Re-  
12 source Management Plan; or

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

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

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

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

22 (a) **AUTHORIZATION OF CONVEYANCE.**—Notwith-  
23 standing sections 202 and 203, subsections (b) through  
24 (i) of section 206, and section 209 of the Federal Land  
25 Policy and Management Act of 1976 (43 U.S.C. 1712,  
26 1713, 1716, 1719), the Secretary, in cooperation with the

1 County, in accordance with this Act and any other applica-  
2 ble law, and subject to valid existing rights, shall conduct  
3 sales or exchanges of the eligible land.

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

7 (c) COMPLIANCE WITH LOCAL PLANNING AND ZON-  
8 ING LAWS.—Before carrying out a sale or exchange under  
9 subsection (a), the County shall submit to the Secretary  
10 a certification that qualified bidders have agreed to comply  
11 with—

12 (1) local zoning ordinances; and

13 (2) any master plan for the area approved by  
14 the County.

15 (d) METHOD OF SALE OR EXCHANGE.—

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

18 (A) consistent with subsections (b), (d),  
19 and (f) of section 203 and section 206(a) of the  
20 Federal Land Management Policy Act of 1976  
21 (43 U.S.C. 1713, 1716(a)); and

22 (B) conducted through—

23 (i) a sale, which shall be—

24 (I) through a competitive bidding  
25 process, under which adjoining land-

1 owners are offered the first option,  
2 unless otherwise determined by the  
3 Secretary;

4 (II) for not less than fair market  
5 value, based on an appraisal in ac-  
6 cordance with the Uniform Standards  
7 of Professional Appraisal Practice;  
8 and

9 (III) conducted in accordance  
10 with subsection (f); or

11 (ii) subject to paragraph (3), an acre-  
12 for-acre exchange for private land located  
13 within a Management Priority Area identi-  
14 fied under paragraph (4)(A).

15 (2) MASS APPRAISAL.—Not later than 1 year  
16 after the date of enactment of this Act, and every  
17 5 years thereafter, the Secretary shall—

18 (A) conduct a mass appraisal of the eligi-  
19 ble land to determine whether any parcel of eli-  
20 gible land is likely valued at equal to or greater  
21 than \$500 per acre (in 2017 constant dollars,  
22 as measured by the Consumer Price Index);  
23 and

1 (B) make available to the public the results  
2 of the mass appraisal conducted under subpara-  
3 graph (A).

4 (3) EXCLUSION.—

5 (A) IN GENERAL.—If the Secretary deter-  
6 mines that a parcel of eligible land is likely val-  
7 ued at equal to or greater than \$500 per acre  
8 (in 2017 constant dollars, as measured by the  
9 Consumer Price Index) under paragraph  
10 (2)(A), the Secretary shall exclude that parcel  
11 from the acre-for-acre exchange described in  
12 paragraph (1)(B)(ii).

13 (B) PUBLICATION IN FEDERAL REG-  
14 ISTER.—If a mass appraisal of eligible land  
15 under paragraph (2)(A) is not finalized, or up-  
16 to-date and publicly available, before an acre-  
17 for-acre exchange described in paragraph  
18 (1)(B)(ii) is completed, the Secretary may final-  
19 ize the exchange if the Secretary publishes in  
20 the Federal Register—

21 (i) a determination stating that the  
22 one or more parcels of eligible land in-  
23 cluded in the exchange are likely valued at  
24 less than \$500 per acre (in 2017 constant



1 (V) of value for improving Fed-  
2 eral land management; and

3 (ii) as appropriate, may identify addi-  
4 tional management priority areas in the  
5 County any time after the identification  
6 under clause (i) is completed.

7 (B) LIMITATION.—Management of Federal  
8 land within any Management Priority Area  
9 identified under subparagraph (A) shall not be  
10 changed based solely on that identification.

11 (e) WITHDRAWAL.—

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

18 (A) all forms of entry and appropriation  
19 under the public land laws, including the min-  
20 ing laws;

21 (B) location, entry, and patent under the  
22 mining laws; and

23 (C) operation of the mineral leasing and  
24 geothermal leasing laws.

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

4           (A) on the date of sale or, in the case of  
5 exchange, the conveyance of title of the parcel  
6 of eligible land under this title; or

7           (B) with respect to any parcel of eligible  
8 land selected for sale or exchange under sub-  
9 section (b) that is not sold or exchanged, not  
10 later than 2 years after the date on which the  
11 parcel was offered for sale or exchange under  
12 this title.

13 (f) PARAMETERS FOR SALE OR EXCHANGE.—

14           (1) SALES.—

15           (A) DEADLINE.—Except as provided in  
16 paragraph (3), not later than 1 year after the  
17 date of enactment of this Act, and not less fre-  
18 quently than once per year thereafter until the  
19 date on which the limitation in subparagraph  
20 (B) has been reached or the date on which the  
21 County requests a postponement under para-  
22 graph (3), the Secretary shall offer for sale the  
23 parcels of eligible land jointly selected under  
24 subsection (b).

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

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

15          (3) POSTPONEMENT; EXCLUSION FOR SALE OR  
16          EXCHANGE.—

17                (A) REQUEST BY COUNTY FOR POSTPONE-  
18                MENT OR EXCLUSION.—At the request of the  
19                County, the Secretary shall postpone or exclude  
20                from a sale or exchange all or a portion of the  
21                eligible land jointly selected under subsection  
22                (b).

23                (B) INDEFINITE POSTPONEMENT.—Unless  
24                specifically requested by the County, a post-

1           ponement under subparagraph (A) shall not be  
2           indefinite.

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

9   **SEC. 104. DISPOSITION OF PROCEEDS.**

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

12                   (1) 5 percent shall be disbursed to the State for  
13           use in the general education program of the State;

14                   (2) 10 percent shall be disbursed to the County  
15           for use as determined through normal County budg-  
16           eting procedures; and

17                   (3) the remainder shall be deposited in a special  
18           account in the Treasury of the United States, to be  
19           known as the “Pershing County Special Account”,  
20           which shall be available to the Secretary, in con-  
21           sultation with the County, for—

22                   (A) the reimbursement of costs incurred by  
23           the Department of the Interior in preparing for  
24           the sale or exchange of the eligible land, includ-  
25           ing—

1 (i) the costs of surveys and appraisals;

2 and

3 (ii) the costs of compliance with the  
4 National Environmental Policy Act of  
5 1969 (42 U.S.C. 4321 et seq.) and sec-  
6 tions 202 and 203 of the Federal Land  
7 Policy and Management Act of 1976 (43  
8 U.S.C. 1712, 1713);

9 (B) the conduct of wildlife habitat con-  
10 servation and restoration projects, including  
11 projects that benefit the greater sage-grouse in  
12 the County;

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

15 (D) the implementation of wildfire  
16 presuppression and restoration projects in the  
17 County;

18 (E) the acquisition of environmentally sen-  
19 sitive land or interests in environmentally sen-  
20 sitive land in the County;

21 (F) projects that secure public access to  
22 Federal land for hunting, fishing, and other  
23 recreational purposes through easements or  
24 rights-of-way in the County; and

1 (G) the conduct of any surveys related to  
2 the designation of the wilderness areas under  
3 title III.

4 (b) INVESTMENT OF SPECIAL ACCOUNT.—Any  
5 amounts deposited in the special account established  
6 under subsection (a)(3)—

7 (1) shall earn interest in an amount determined  
8 by the Secretary of the Treasury, based on the cur-  
9 rent average market yield on outstanding marketable  
10 obligations of the United States of comparable ma-  
11 turities; and

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

14 (c) REPORTS.—

15 (1) IN GENERAL.—Beginning with fiscal year  
16 2020, and once every 5 fiscal years thereafter, not  
17 later than 60 days after the last day of preceding  
18 fiscal year, the Secretary shall submit to the State,  
19 the County, and the appropriate committees of Con-  
20 gress a report on the operation of the special ac-  
21 count established under subsection (a)(3) for the  
22 preceding 5 fiscal years.

23 (2) CONTENTS.—Each report submitted under  
24 paragraph (1) shall include, for the fiscal year cov-  
25 ered by the report—

1 (A) a statement of the amounts deposited  
2 into the special account;

3 (B) a description of the expenditures made  
4 from the special account for the fiscal year, in-  
5 cluding the purpose of the expenditures;

6 (C) recommendations for additional au-  
7 thorities to fulfill the purpose of the special ac-  
8 count; and

9 (D) a statement of the balance remaining  
10 in the special account at the end of the fiscal  
11 year.

## 12 **TITLE II—LAND CONVEYANCES** 13 **AND TRANSFERS**

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

15 (a) DEFINITIONS.—In this section:

16 (1) COVERED LAND.—The term “covered land”  
17 means any Federal land or interest in Federal land  
18 in the County identified on the Map as “Covered  
19 Land”.

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

23 (3) QUALIFIED ENTITY.—The term “qualified  
24 entity” means, with respect to a portion of covered  
25 land—

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

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

6 (i) with the right of possession of the  
7 mining claims, millsites, or tunnel sites on  
8 the covered land;

9 (ii) that has paid (or whose agent has  
10 paid) the annual claim maintenance fee or  
11 filed a maintenance fee waiver on or before  
12 September 1, 2016, with the authority or  
13 consent of the owner, for the upcoming as-  
14 sessment year for the mining claims, mill-  
15 sites, or tunnel sites within the exterior  
16 boundary of the portion of covered land, as  
17 determined based on the claim mainte-  
18 nance fee records of the Bureau of Land  
19 Management as of the date of introduction  
20 of this Act; and

21 (iii) that has the authority or consent  
22 of the owner to acquire the portion of cov-  
23 ered land; or

24 (C) a subsequent successor to the interest  
25 of a qualified entity in the covered land that

1           has the authority or consent of the owner to ac-  
2           quire the portion of covered land.

3           (b) LAND CONVEYANCES.—

4           (1) IN GENERAL.—Subject to paragraph (3),  
5           notwithstanding the inventory and land use planning  
6           requirements of sections 201 and 202 or the sales  
7           provisions of section 203 of the Federal Land Policy  
8           and Management Act of 1976 (43 U.S.C. 1711,  
9           1712, 1713), not later than 180 days after the date  
10          of enactment of this Act and subject to valid existing  
11          rights held by third parties and any mining claims,  
12          millsite, or tunnel site of a qualified entity applicable  
13          to the covered land, the Secretary shall offer for sale  
14          to qualified entities, for fair market value, the re-  
15          maining right, title, and interest of the United  
16          States in and to the covered land.

17          (2) CONVEYANCE.—Not later than 1 year after  
18          the date of the acceptance of an offer under para-  
19          graph (1) by a qualified entity and completion of a  
20          sale for all or part of the covered land to a qualified  
21          entity, the Secretary, by delivery of an appropriate  
22          deed, patent, or other valid instrument of convey-  
23          ance, shall convey to the qualified entity, all remain-  
24          ing right, title, and interest of the United States in  
25          and to the applicable portion of the covered land.

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

14           (4) APPRAISAL TO DETERMINE FAIR MARKET  
15 VALUE.—The Secretary shall determine the fair  
16 market value of the covered land to be conveyed  
17 under this subsection in accordance with—

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

20                   (B) the Uniform Standards of Professional  
21                   Appraisal Practice.

22           (5) COSTS.—As a condition of the conveyance  
23 of the covered land under this section, the qualified  
24 entity shall pay all costs related to the conveyance  
25 of the covered land conveyed, including the costs of

1 surveys and other administrative costs associated  
2 with the conveyance.

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

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

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

13 (d) TERMINATION.—The authority of the Secretary  
14 to sell covered land under this section shall terminate on  
15 the date that is 10 years after the date of enactment of  
16 this Act.

17 **SEC. 202. CONVEYANCE OF LAND FOR USE AS A PUBLIC**  
18 **CEMETERY.**

19 (a) IN GENERAL.—The Secretary shall convey to the  
20 County, without consideration, the Federal land described  
21 in subsection (b).

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

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

## 4 **TITLE III—WILDERNESS AREAS**

### 5 **SEC. 301. ADDITIONS TO THE NATIONAL WILDERNESS** 6 **PRESERVATION SYSTEM.**

7 (a) ADDITIONS.—In accordance with the Wilderness  
8 Act (16 U.S.C. 1131 et seq.), the following parcels of Fed-  
9 eral land in the State are designated as wilderness and  
10 as components of the National Wilderness Preservation  
11 System:

12 (1) CAIN MOUNTAIN WILDERNESS.—Certain  
13 Federal land managed by the Bureau of Land Man-  
14 agement, comprising approximately 12,339 acres, as  
15 generally depicted on the map entitled “Proposed  
16 Cain Mountain Wilderness” and dated February 9,  
17 2017, which shall be known as the “Cain Mountain  
18 Wilderness”.

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

1           (3) SELENITE PEAK WILDERNESS.—Certain  
2 Federal land managed by the Bureau of Land Man-  
3 agement, comprising approximately 22,822 acres, as  
4 generally depicted on the map entitled “Proposed  
5 Selenite Peak Wilderness” and dated February 9,  
6 2017, which shall be known as the “Selenite Peak  
7 Wilderness”.

8           (4) MOUNT LIMBO WILDERNESS.—Certain Fed-  
9 eral land managed by the Bureau of Land Manage-  
10 ment, comprising approximately 11,855 acres, as  
11 generally depicted on the map entitled “Proposed  
12 Mt. Limbo Wilderness” and dated February 9,  
13 2017, which shall be known as the “Mount Limbo  
14 Wilderness”.

15           (5) NORTH SAHWAVE WILDERNESS.—Certain  
16 Federal land managed by the Bureau of Land Man-  
17 agement, comprising approximately 13,875 acres, as  
18 generally depicted on the map entitled “Proposed  
19 North Sahwave Wilderness” and dated February 9,  
20 2017, which shall be known as the “North Sahwave  
21 Wilderness”.

22           (6) GRANDFATHERS’ WILDERNESS.—Certain  
23 Federal land managed by the Bureau of Land Man-  
24 agement, comprising approximately 35,339 acres, as  
25 generally depicted on the map entitled “Proposed

1 Grandfathers’ Wilderness” and dated February 9,  
2 2017, which shall be known as the “Grandfathers’  
3 Wilderness”.

4 (7) FENCEMAKER WILDERNESS.—Certain Fed-  
5 eral land managed by the Bureau of Land Manage-  
6 ment, comprising approximately 14,942 acres, as  
7 generally depicted on the map entitled “Proposed  
8 Fencemaker Wilderness” and dated February 9,  
9 2017, which shall be known as the “Fencemaker  
10 Wilderness”.

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

14 (c) MAP AND LEGAL DESCRIPTION.—

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

19 (2) EFFECT.—Each map and legal description  
20 prepared under paragraph (1) shall have the same  
21 force and effect as if included in this Act, except  
22 that the Secretary may correct clerical and typo-  
23 graphical errors in the map or legal description.

24 (3) AVAILABILITY.—Each map and legal de-  
25 scription prepared under paragraph (1) shall be on

1 file and available for public inspection in the appro-  
2 priate offices of the Bureau of Land Management.

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

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

8 (B) location, entry, and patent under the  
9 mining laws; and

10 (C) disposition under all laws relating to  
11 mineral and geothermal leasing or mineral ma-  
12 terials.

13 **SEC. 302. ADMINISTRATION.**

14 (a) MANAGEMENT.—Subject to valid existing rights,  
15 the wilderness areas shall be administered by the Sec-  
16 retary in accordance with the Wilderness Act (16 U.S.C.  
17 1131 et seq.), except that—

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

21 (2) any reference in that Act to the Secretary  
22 of Agriculture shall be considered to be a reference  
23 to the Secretary.

24 (b) LIVESTOCK.—The grazing of livestock in the wil-  
25 derness areas, if established before the date of enactment

1 of this Act, shall be allowed to continue, subject to such  
2 reasonable regulations, policies, and practices as the Sec-  
3 retary considers to be necessary in accordance with—

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

6 (2) the guidelines set forth in Appendix A of  
7 the report of the Committee on Interior and Insular  
8 Affairs of the House of Representatives accom-  
9 panying H.R. 2570 of the 101st Congress (House  
10 Report 101–405).

11 (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
12 ESTS.—Any land or interest in land within the boundary  
13 of a wilderness area that is acquired by the United States  
14 after the date of enactment of this Act shall be added to  
15 and administered as part of the wilderness area.

16 (d) ADJACENT MANAGEMENT.—

17 (1) IN GENERAL.—Congress does not intend for  
18 the designation of the wilderness areas to create pro-  
19 tective perimeters or buffer zones around the wilder-  
20 ness areas.

21 (2) NONWILDERNESS ACTIVITIES.—The fact  
22 that nonwilderness activities or uses can be seen or  
23 heard from areas within a wilderness area shall not  
24 preclude the conduct of those activities or uses out-  
25 side the boundary of the wilderness area.

1 (e) MILITARY OVERFLIGHTS.—Nothing in this Act  
2 restricts or precludes—

3 (1) low-level overflights of military aircraft over  
4 the wilderness areas, including military overflights  
5 that can be seen or heard within the wilderness  
6 areas;

7 (2) flight testing and evaluation; or

8 (3) the designation or creation of new units of  
9 special use airspace, or the establishment of military  
10 flight training routes, over the wilderness areas.

11 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-  
12 MENT.—In accordance with section 4(d)(1) of the Wilder-  
13 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take  
14 such measures in the wilderness areas as are necessary  
15 for the control of fire, insects, and diseases (including, as  
16 the Secretary determines to be appropriate, the coordina-  
17 tion of the activities with a State or local agency).

18 (g) CLIMATOLOGICAL DATA COLLECTION.—In ac-  
19 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)  
20 and subject to such terms and conditions as the Secretary  
21 may prescribe, the Secretary may authorize the installa-  
22 tion and maintenance of hydrologic, meteorologic, or cli-  
23 matological data collection devices in the wilderness areas  
24 if the Secretary determines that the facilities and access

1 to the facilities are essential to flood warning, flood con-  
2 trol, or water reservoir operation activities.

3 (h) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the wilderness areas are located—

6 (i) in the semiarid region of the Great  
7 Basin; and

8 (ii) at the headwaters of the streams  
9 and rivers on land with respect to which  
10 there are few, if any—

11 (I) actual or proposed water re-  
12 source facilities located upstream; and

13 (II) opportunities for diversion,  
14 storage, or other uses of water occur-  
15 ring outside the land that would ad-  
16 versely affect the wilderness values of  
17 the land;

18 (B) the wilderness areas are generally not  
19 suitable for use or development of new water re-  
20 source facilities; and

21 (C) because of the unique nature of the  
22 wilderness areas, it is possible to provide for  
23 proper management and protection of the wil-  
24 derness and other values of land in ways dif-  
25 ferent from those used in other laws.

1           (2) PURPOSE.—The purpose of this section is  
2           to protect the wilderness values of the wilderness  
3           areas by means other than a federally reserved water  
4           right.

5           (3) STATUTORY CONSTRUCTION.—Nothing in  
6           this Act—

7                   (A) constitutes an express or implied res-  
8                   ervation by the United States of any water or  
9                   water rights with respect to the wilderness  
10                  areas;

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

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

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

19                   (E) limits, alters, modifies, or amends any  
20                   interstate compact or equitable apportionment  
21                   decree that apportions water among and be-  
22                   tween the State and other States.

23           (4) NEVADA WATER LAW.—The Secretary shall  
24           follow the procedural and substantive requirements  
25           of State law in order to obtain and hold any water

1 rights not in existence on the date of enactment of  
2 this Act with respect to the wilderness areas.

3 (5) NEW PROJECTS.—

4 (A) DEFINITION OF WATER RESOURCE FA-  
5 CILITY.—

6 (i) IN GENERAL.—In this paragraph,  
7 the term “water resource facility” means  
8 irrigation and pumping facilities, res-  
9ervoirs, water conservation works, aque-  
10ducts, canals, ditches, pipelines, wells, hy-  
11dropower projects, transmission and other  
12ancillary facilities, and other water diver-  
13sion, storage, and carriage structures.

14 (ii) EXCLUSION.—In this paragraph,  
15 the term “water resource facility” does not  
16 include wildlife guzzlers.

17 (B) RESTRICTION ON NEW WATER RE-  
18SOURCE FACILITIES.—Except as otherwise pro-  
19vided in this Act, on and after the date of the  
20enactment of this Act, neither the President nor  
21any other officer, employee, or agent of the  
22United States shall fund, assist, authorize, or  
23issue a license or permit for the development of  
24any new water resource facility within the wil-  
25derness areas.

1 (i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

2 (1) IN GENERAL.—Nothing in this Act prevents  
3 the placement of a temporary telecommunications  
4 device for law enforcement or agency administrative  
5 purposes in the Selenite Peak Wilderness in accord-  
6 ance with paragraph (2).

7 (2) ADDITIONAL REQUIREMENTS.—Any tem-  
8 porary telecommunications device authorized by the  
9 Secretary under paragraph (1) shall—

10 (A) be carried out in accordance with—

11 (i) the Wilderness Act (16 U.S.C.  
12 1131 et seq.); and

13 (ii) all other applicable laws (including  
14 regulations);

15 (B) to the maximum practicable, be located  
16 in such a manner as to minimize impacts on the  
17 recreational and other wilderness values of the  
18 area; and

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

21 **SEC. 303. WILDLIFE MANAGEMENT.**

22 (a) IN GENERAL.—In accordance with section  
23 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
24 nothing in this Act affects or diminishes the jurisdiction  
25 of the State with respect to fish and wildlife management,

1 including the regulation of hunting, fishing, and trapping,  
2 in the wilderness areas.

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

10 (1) consistent with relevant wilderness manage-  
11 ment plans; and

12 (2) in accordance with—

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

15 (B) appropriate policies, such as those set  
16 forth in Appendix B of the report of the Com-  
17 mittee on Interior and Insular Affairs of the  
18 House of Representatives accompanying H.R.  
19 2570 of the 101st Congress (House Report  
20 101–405), including noxious weed treatment  
21 and the occasional and temporary use of motor-  
22 ized vehicles if the use, as determined by the  
23 Secretary, would promote healthy, viable, and  
24 more naturally distributed wildlife populations  
25 that would enhance wilderness values with the

1           minimal impact necessary to reasonably accom-  
2           plish those tasks.

3           (c) EXISTING ACTIVITIES.—Consistent with section  
4 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and  
5 in accordance with appropriate policies such as those set  
6 forth in Appendix B of the Committee on Interior and In-  
7 sular Affairs of the House of Representatives accom-  
8 panying H.R. 2570 of the 101st Congress (House Report  
9 101–405), the State may continue to use aircraft, includ-  
10 ing helicopters, to survey, capture, transplant, monitor,  
11 and provide water for wildlife populations, specifically sage  
12 grouse, in the wilderness areas.

13           (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—  
14 Subject to subsection (f), the Secretary shall authorize  
15 structures and facilities, including existing structures and  
16 facilities, for wildlife water development projects, including  
17 guzzlers, in the wilderness areas if—

18           (1) the structures and facilities will, as deter-  
19 mined by the Secretary, enhance wilderness values  
20 by promoting healthy, viable and more naturally dis-  
21 tributed wildlife populations; and

22           (2) the visual impacts of the structures and fa-  
23 cilities on the wilderness areas can reasonably be  
24 minimized.

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

1           (1) IN GENERAL.—The Secretary may des-  
2           ignate areas in which, and establish periods during  
3           which, for reasons of public safety, administration,  
4           or compliance with applicable laws, no hunting, fish-  
5           ing, or trapping will be permitted in the wilderness  
6           areas.

7           (2) CONSULTATION.—Except in emergencies,  
8           the Secretary shall consult with the appropriate  
9           State agency and notify the public before taking any  
10          action under paragraph (1).

11         (f) COOPERATIVE AGREEMENT.—

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

15                 (A) in accordance with the terms and con-  
16                 ditions specified in the cooperative agreement  
17                 between the Secretary and the State entitled  
18                 “Memorandum of Understanding between the  
19                 Bureau of Land Management and the Nevada  
20                 Department of Wildlife Supplement No. 9” and  
21                 signed November and December 2003, includ-  
22                 ing any amendments to the cooperative agree-  
23                 ment agreed to by the Secretary and the State;  
24                 and

1 (B) subject to all applicable laws (including  
2 regulations).

3 (2) REFERENCES; CLARK COUNTY.—For the  
4 purposes of this subsection, any references to Clark  
5 County in the cooperative agreement described in  
6 paragraph (1)(A) shall be considered to be a ref-  
7 erence to the wilderness areas.

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

9 (a) FINDING.—Congress finds that, for the purposes  
10 of section 603(c) of the Federal Land Policy and Manage-  
11 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately  
12 48,600 acres of public land in the portions of the China  
13 Mountain, Mt. Limbo, Selenite Mountains, and Tobin  
14 Range wilderness study areas that have not been des-  
15 ignated as wilderness by section 301(a) and the portion  
16 of the Augusta Mountains wilderness study area within  
17 the County that has not been designated as wilderness by  
18 section 301(a) have been adequately studied for wilderness  
19 designation.

20 (b) RELEASE.—The public land described in sub-  
21 section (a)—

22 (1) is no longer subject to section 603(c) of the  
23 Federal Land Policy and Management Act of 1976  
24 (43 U.S.C. 1782(c)); and

