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

IN THE SENATE OF THE UNITED STATES

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

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
8 (b) Table of Contents.—The table of contents of
9 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—CHECKERBOARD LAND RESOLUTION

SEC. 101. FINDINGS.
Congress finds that—
(1) since the passage of the Act of July 1, 1862 (12 Stat. 489, chapter 120) (commonly known as...
the “Pacific Railway Act of 1862”), under which railroad land grants along the Union Pacific Railroad right-of-way created a checkerboard land pattern of alternating public land and privately owned land, management of the land in the checkerboard area has been a constant source of frustration for both private landholders and the Federal Government;

(2) management of Federal land in the checkerboard area has been costly and difficult for the Federal land management agencies, creating a disincentive to manage the land effectively;

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

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

(A) help improve the tax base of the County; and

(B) simplify management for the Federal Government.
SEC. 102. DEFINITIONS.

In this title:

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

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

(i) the Winnemucca Consolidated Resource Management Plan; or

(ii) any subsequent amendment or revision to the management plan that is undertaken with full public involvement; and

(B) the land identified on the Map as “Additional Lands Eligible for Disposal”.

(2) MAP.—The term “Map” means the map entitled “Pershing County Checkerboard Lands Resolution” and dated February 9, 2017.

SEC. 103. SALE OR EXCHANGE OF ELIGIBLE LAND.

(a) AUTHORIZATION OF CONVEYANCE.—Notwithstanding sections 202 and 203, subsections (b) through (i) of section 206, and section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713, 1716, 1719), the Secretary, in cooperation with the
County, in accordance with this Act and any other applicable law, and subject to valid existing rights, shall conduct sales or exchanges of the eligible land.

(b) **Joint Selection Required.**—The Secretary and the County shall jointly select which parcels of eligible land to offer for sale or exchange under subsection (a).

(c) **Compliance With Local Planning and Zoning Laws.**—Before carrying out a sale or exchange under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

1. local zoning ordinances; and
2. any master plan for the area approved by the County.

(d) **Method of Sale or Exchange.**—

1. **In General.**—The sale or exchange of eligible land under subsection (a) shall be—
   
   (A) consistent with subsections (b), (d), and (f) of section 203 and section 206(a) of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713, 1716(a)); and
   
   (B) conducted through—

   (i) a sale, which shall be—

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

(II) for not less than fair market value, based on an appraisal in accordance with the Uniform Standards of Professional Appraisal Practice; and

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

(ii) subject to paragraph (3), an acre-for-acre exchange for private land located within a Management Priority Area identified under paragraph (4)(A).

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

(A) conduct a mass appraisal of the eligible land to determine whether any parcel of eligible land is likely valued at equal to or greater than $500 per acre (in 2017 constant dollars, as measured by the Consumer Price Index); and
(B) make available to the public the results
of the mass appraisal conducted under subpara-
graph (A).

(3) EXCLUSION.—

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

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

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

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

(4) MANAGEMENT PRIORITY AREAS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 1 year after the date of enactment of this Act, for the purpose of the exchanges authorized under paragraph (1)(B)(ii), the Secretary—

(i) shall identify Management Priority Areas within the Checkerboard Lands Resolution Area, as identified on the Map, that are considered by the Secretary to be—

(I) greater sage-grouse habitat;

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

(III) of value for outdoor recreation or public access for hunting, fishing, and other recreational purposes;

(IV) of significant cultural, historic, ecological, or scenic value; or
(V) of value for improving Federal land management; and

(ii) as appropriate, may identify additional management priority areas in the County any time after the identification under clause (i) is completed.

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

(e) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and mining claims for which the claims maintenance fees have been paid in the applicable assessment year, effective on the date on which a parcel of eligible land is selected for sale or exchange under subsection (b), that parcel is withdrawn from—

(A) all forms of entry and appropriation under the public land laws, including the mining laws;

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

(C) operation of the mineral leasing and geothermal leasing laws.
(2) TERMINATION.—The withdrawal of a parcel of eligible land under paragraph (1) shall terminate—

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

(B) with respect to any parcel of eligible land selected for sale or exchange under subsection (b) that is not sold or exchanged, not later than 2 years after the date on which the parcel was offered for sale or exchange under this title.

(f) PARAMETERS FOR SALE OR EXCHANGE.—

(1) SALES.—

(A) DEADLINE.—Except as provided in paragraph (3), not later than 1 year after the date of enactment of this Act, and not less frequently than once per year thereafter until the date on which the limitation in subparagraph (B) has been reached or the date on which the County requests a postponement under paragraph (3), the Secretary shall offer for sale the parcels of eligible land jointly selected under subsection (b).
(B) LIMITATION.—The total acreage of eligible land sold under this title shall consist of not more than 150,000 acres of eligible land.

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

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

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—At the request of the County, the Secretary shall postpone or exclude from a sale or exchange all or a portion of the eligible land jointly selected under subsection (b).

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

(C) POSTPONEMENT OR EXCLUSION BY THE SECRETARY.—The Secretary may postpone or exclude from a sale or exchange all or a portion of the eligible land jointly selected under subsection (b) for emergency ecological or safety reasons.

SEC. 104. DISPOSITION OF PROCEEDS.

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

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

(2) 10 percent shall be disbursed to the County for use as determined through normal County budgeting procedures; and

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

(A) the reimbursement of costs incurred by the Department of the Interior in preparing for the sale or exchange of the eligible land, including—
(i) the costs of surveys and appraisals;

and

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

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

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

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

(E) the acquisition of environmentally sensitive land or interests in environmentally sensitive land in the County;

(F) projects that secure public access to Federal land for hunting, fishing, and other recreational purposes through easements or rights-of-way in the County; and
(G) the conduct of any surveys related to
the designation of the wilderness areas under
title III.

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

(1) shall earn interest in an amount determined
by the Secretary of the Treasury, based on the cur-
rent average market yield on outstanding marketable
obligations of the United States of comparable ma-

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

(e) REPORTS.—

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

(2) CONTENTS.—Each report submitted under
paragraph (1) shall include, for the fiscal year cov-
ered by the report—
(A) a statement of the amounts deposited into the special account;

(B) a description of the expenditures made from the special account for the fiscal year, including the purpose of the expenditures;

(C) recommendations for additional authorities to fulfill the purpose of the special account; and

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

**TITLE II—LAND CONVEYANCES AND TRANSFERS**

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

(a) Definitions.—In this section:

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

(2) Map.—The term “Map” means the map entitled “Pershing County Land Conveyances and Transfers” and dated February 9, 2017.

(3) Qualified Entity.—The term “qualified entity” means, with respect to a portion of covered land—
(A) the owner of the mining claims, millsites, or tunnel sites on a portion of the covered land on the date of enactment of this Act;

(B) the lessee, or other successor in interest of the owner—

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

(ii) that has paid (or whose agent has paid) the annual claim maintenance fee or filed a maintenance fee waiver on or before September 1, 2016, with the authority or consent of the owner, for the upcoming assessment year for the mining claims, millsites, or tunnel sites within the exterior boundary of the portion of covered land, as determined based on the claim maintenance fee records of the Bureau of Land Management as of the date of introduction of this Act; and

(iii) that has the authority or consent of the owner to acquire the portion of covered land; or

(C) a subsequent successor to the interest of a qualified entity in the covered land that
has the authority or consent of the owner to acquire the portion of covered land.

(b) LAND CONVEYANCES.—

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

(2) CONVEYANCE.—Not later than 1 year after the date of the acceptance of an offer under paragraph (1) by a qualified entity and completion of a sale for all or part of the covered land to a qualified entity, the Secretary, by delivery of an appropriate deed, patent, or other valid instrument of conveyance, shall convey to the qualified entity, all remaining right, title, and interest of the United States in and to the applicable portion of the covered land.
(3) MERGER.—Subject to valid existing rights held by third parties, on delivery of the instrument of conveyance to the qualified entity under paragraph (2), any prior interests in the locatable minerals and the right to use the surface for mineral purposes held by the qualified entity under a mining claim, millsite, tunnel site, or any other Federal land use authorization applicable to the covered land conveyed to the qualified entity shall merge with all right, title, and interest conveyed to the qualified entity by the United States under this section to ensure that the qualified entity receives fee simple title to the purchased covered land.

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

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) the Uniform Standards of Professional Appraisal Practice.

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

(6) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

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

(c) DISPOSITION OF PROCEEDS.—Any amounts collected under this section shall be disposed of in accordance with section 104.

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

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

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

(b) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in subsection (a) is the approximately 10 acres of land depicted as “Unionville Cemetery” on the Map.
(c) **Use of Conveyed Land.**—The Federal land conveyed under subsection (a) shall be used by the County as a public cemetery.

# TITLE III—WILDERNESS AREAS

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

(a) **Additions.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of Federal land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

1. **Cain Mountain Wilderness.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 12,339 acres, as generally depicted on the map entitled “Proposed Cain Mountain Wilderness” and dated February 9, 2017, which shall be known as the “Cain Mountain Wilderness”.

2. **Bluewing Wilderness.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 24,900 acres, as generally depicted on the map entitled “Proposed Bluewing Wilderness” and dated February 9, 2017, which shall be known as the “Bluewing Wilderness”.
(3) **Selenite Peak Wilderness.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 22,822 acres, as generally depicted on the map entitled “Proposed Selenite Peak Wilderness” and dated February 9, 2017, which shall be known as the “Selenite Peak Wilderness”.

(4) **Mount Limbo Wilderness.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,855 acres, as generally depicted on the map entitled “Proposed Mt. Limbo Wilderness” and dated February 9, 2017, which shall be known as the “Mount Limbo Wilderness”.

(5) **North Sahwave Wilderness.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,875 acres, as generally depicted on the map entitled “Proposed North Sahwave Wilderness” and dated February 9, 2017, which shall be known as the “North Sahwave Wilderness”.

(6) **Grandfathers’ Wilderness.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 35,339 acres, as generally depicted on the map entitled “Proposed
Grandfathers’ Wilderness” and dated February 9, 2017, which shall be known as the “Grandfathers’ Wilderness”.

(7) FENCemaker WILDerness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,942 acres, as generally depicted on the map entitled “Proposed Fencemaker Wilderness” and dated February 9, 2017, which shall be known as the “Fencemaker Wilderness”.

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

c) MAP AND LEGAL DESCRIPTION.—

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

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

(3) AVAILABILITY.—Each map and legal description prepared under paragraph (1) shall be on
file and available for public inspection in the appropriate offices of the Bureau of Land Management.

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

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

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

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

SEC. 302. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas 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.

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

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

(2) the guidelines set forth in Appendix A of
the report of the Committee on Interior and Insular
Affairs of the House of Representatives accom-
panying H.R. 2570 of the 101st Congress (House

(c) INCORPORATION OF ACQUIRED LAND AND INTER-
ESTS.—Any land or interest in land within the boundary
of a wilderness area 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.

(d) ADJACENT MANAGEMENT.—

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

(2) NONWILDERNESS ACTIVITIES.—The fact
that nonwilderness activities or uses can be seen or
heard from areas within a wilderness area shall not
preclude the conduct of those activities or uses out-
side the boundary of the wilderness area.
(e) Military Overflights.—Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, 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.

(f) Wildfire, Insect, and Disease Management.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness areas as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(g) Climatological Data Collection.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological data collection devices in the wilderness areas if the Secretary determines that the facilities and access
to the facilities are essential to flood warning, flood con-
trol, or water reservoir operation activities.

(h) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the wilderness areas are located—

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

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

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

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

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

(C) because of the unique nature of the
    wilderness areas, it is possible to provide for
    proper management and protection of the wil-
    derness and other values of land in ways dif-
    ferent from those used in other laws.
(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the wilderness areas by means other than a federally reserved water right.

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

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

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

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

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

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

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

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

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

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas.
(i) Temporary Telecommunications Device.—

(1) In general.—Nothing in this Act prevents the placement of a temporary telecommunications device for law enforcement or agency administrative purposes in the Selenite Peak Wilderness in accordance with paragraph (2).

(2) Additional requirements.—Any temporary telecommunications device authorized by the Secretary under paragraph (1) shall—

(A) be carried out in accordance with—

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

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

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

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

SEC. 303. WILDLIFE MANAGEMENT.

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

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities in the wilderness areas that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

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

(B) appropriate policies, such as those set forth in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), including noxious weed treatment and the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the
minimal impact necessary to reasonably accomplish those tasks.

(c) Existing Activities.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, specifically sage grouse, in the wilderness areas.

(d) Wildlife Water Development Projects.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) Hunting, Fishing, and Trapping.—
(1) IN GENERAL.—The Secretary may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

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

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the wilderness areas—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled “Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9” and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and
(B) subject to all applicable laws (including
regulations).

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

derence to the wilderness areas.

SEC. 304. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes
of section 603(c) of the Federal Land Policy and Manage-
ment Act of 1976 (43 U.S.C. 1782(c)), the approximately
48,600 acres of public land in the portions of the China
Mountain, Mt. Limbo, Selenite Mountains, and Tobin
Range wilderness study areas that have not been des-

gnated as wilderness by section 301(a) and the portion
of the Augusta Mountains wilderness study area within
the County that has not been designated as wilderness by
section 301(a) have been adequately studied for wilderness
designation.

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

(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 the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

SEC. 305. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

(a) IN GENERAL.—Nothing in this title alters or diminishes the treaty rights of any Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(b) CULTURAL USES.—Nothing in this title precludes the traditional collection of pine nuts in a wilderness area for personal, noncommercial use consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).