

117TH CONGRESS
1ST SESSION

S. 1411

To provide for the conveyance of certain Federal land to Lander County, Nevada, to designate certain wilderness areas in Lander County, Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2021

Ms. ROSEN (for herself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the conveyance of certain Federal land to Lander County, Nevada, to designate certain wilderness areas in Lander 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 “Lander County Land Management and Conservation
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—LANDER COUNTY LAND CONVEYANCES

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Conveyances to Lander County, Nevada.

TITLE II—LANDER COUNTY WILDERNESS AREAS

Sec. 201. Definitions.

Sec. 202. Designation of wilderness areas.

Sec. 203. Administration.

Sec. 204. Wildlife management.

Sec. 205. Release of wilderness study areas.

Sec. 206. Native American cultural and religious uses.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNTY.—The term “County” means
4 Lander 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 **TITLE I—LANDER COUNTY LAND** 10 **CONVEYANCES**

11 **SEC. 101. FINDINGS.**

12 Congress finds that—

13 (1) wildland fires pose a threat to public and
14 private natural resources in the County;

15 (2) expanding and improving the airports in the
16 County through the inclusion of available adjacent
17 land would support firefighting capabilities in the
18 County;

(3) the protection, development, and use of water resources in the County play a key role in major economic activities for the County, including—

(A) commercial development;

(B) mining;

(C) agriculture;

(D) tourism;

(E) recreational activity; and

(F) conservation; and

(4) recreational and public park opportunities in the County could be substantially enhanced through expansion of the park system in the County.

SEC. 102. DEFINITIONS.

In this title:

(1) MAP.—The term “Map” means the map entitled “Lander County Selected Lands” and dated August 4, 2020.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary, with respect to land under the jurisdiction of the Secretary; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to National Forest System land.

1 **SEC. 103. CONVEYANCES TO LANDER COUNTY, NEVADA.**

2 (a) CONVEYANCE FOR WATERSHED PROTECTION,
 3 RECREATION, AND PARKS.—Notwithstanding the land use
 4 planning requirements of sections 202 and 203 of the Fed-
 5 eral Land Policy and Management Act of 1976 (43 U.S.C.
 6 1712, 1713), not later than 60 days after the date on
 7 which the County identifies the parcels of Federal land
 8 selected by the County for conveyance to the County from
 9 among the parcels identified on the Map as “Lander
 10 County Parcels BLM and USFS”, the Secretary con-
 11 cerned shall convey to the County, subject to valid existing
 12 rights and for no consideration, all right, title, and interest
 13 of the United States in and to the identified parcels of
 14 Federal land (including mineral rights) for use by the
 15 County for watershed protection, recreation, and parks.

16 (b) CONVEYANCE FOR AIRPORT FACILITY.—

17 (1) IN GENERAL.—Notwithstanding the land
 18 use planning requirements of sections 202 and 203
 19 of the Federal Land Policy and Management Act of
 20 1976 (43 U.S.C. 1712, 1713), the Secretary shall
 21 convey to the County, subject to valid existing
 22 rights, including mineral rights, all right, title, and
 23 interest of the United States in and to the parcels
 24 of Federal land identified on the Map as “Kingston
 25 Airport” for the purpose of improving the relevant
 26 airport facility and related infrastructure.

1 (2) COSTS.—The only costs for the conveyance
 2 to be paid by the County under paragraph (1) shall
 3 be the survey costs relating to the conveyance.

4 (c) SURVEY.—The exact acreage and legal descrip-
 5 tion of any parcel of Federal land to be conveyed under
 6 subsection (a) or (b) shall be determined by a survey satis-
 7 factory to the Secretary concerned and the County.

8 (d) REVERSIONARY CLAUSE REQUIRED.—A convey-
 9 ance of Federal land under subsection (a) or (b) shall in-
 10 clude a reversionary clause to ensure that management of
 11 the Federal land conveyed under the applicable subsection
 12 shall revert to the Secretary concerned if the Federal land
 13 is no longer being managed in accordance with the appli-
 14 cable subsection.

15 (e) MAP, ACREAGE ESTIMATES, AND LEGAL DE-
 16 SCRIPTIONS.—

17 (1) MINOR ERRORS.—The Secretary concerned
 18 and the County may, by mutual agreement—

19 (A) make minor boundary adjustments to
 20 the parcels of Federal land to be conveyed
 21 under subsection (a) or (b); and

22 (B) correct any minor errors in—

23 (i) the Map; or

1 (ii) an acreage estimate or legal de-
 2 scription of any parcel of Federal land con-
 3 veyed under subsection (a) or (b).

4 (2) CONFLICT.—If there is a conflict between
 5 the Map, an acreage estimate, or a legal description
 6 of Federal land conveyed under subsection (a) or
 7 (b), the Map shall control unless the Secretary con-
 8 cerned and the County mutually agree otherwise.

9 (3) AVAILABILITY.—The Secretary shall make
 10 the Map available for public inspection in—

11 (A) the Office of the Nevada State Direc-
 12 tor of the Bureau of Land Management; and

13 (B) the Bureau of Land Management Bat-
 14 tle Mountain Field Office.

15 **TITLE II—LANDER COUNTY**

16 **WILDERNESS AREAS**

17 **SEC. 201. DEFINITIONS.**

18 In this title:

19 (1) MAP.—The term “Map” means the map en-
 20 titled “Lander County Wilderness Areas Proposal”
 21 and dated April 19, 2021.

22 (2) WILDERNESS AREA.—The term “wilderness
 23 area” means a wilderness area designated by section
 24 202(a).

1 **SEC. 202. DESIGNATION OF WILDERNESS AREAS.**

2 (a) IN GENERAL.—In accordance with the Wilderness
3 Act (16 U.S.C. 1131 et seq.), the following land in the
4 State is designated as wilderness and as components of
5 the National Wilderness Preservation System:

6 (1) CAIN MOUNTAIN WILDERNESS.—Certain
7 Federal land managed by the Director of the Bureau
8 of Land Management, comprising approximately
9 6,386 acres, as generally depicted as “Cain Moun-
10 tain Wilderness” on the Map, which shall be known
11 as the “Cain Mountain Wilderness”.

12 (2) DESATOYA MOUNTAINS WILDERNESS.—Cer-
13 tain Federal land managed by the Director of the
14 Bureau of Land Management, comprising approxi-
15 mately 7,766 acres, as generally depicted as
16 “Desatoya Mountains Wilderness” on the Map,
17 which shall be known as the “Desatoya Mountains
18 Wilderness”.

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

22 (c) MAP AND LEGAL DESCRIPTION.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary
25 shall file with, and make available for inspection in,
26 the appropriate offices of the Bureau of Land Man-

1 agement, a map and legal description of each wilder-
2 ness area.

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

8 (d) WITHDRAWAL.—Subject to valid existing rights,
9 the wilderness areas are withdrawn from—

10 (1) all forms of entry, appropriation, and dis-
11 posal under the public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under all laws relating to min-
15 eral and geothermal leasing or mineral materials.

16 **SEC. 203. ADMINISTRATION.**

17 (a) MANAGEMENT.—Subject to valid existing rights,
18 the wilderness areas shall be administered by the Sec-
19 retary in accordance with the Wilderness Act (16 U.S.C.
20 1131 et seq.), except that with respect to the wilderness
21 areas—

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

1 (2) any reference in that Act to the Secretary
2 of Agriculture shall be considered to be a reference
3 to the Secretary.

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

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

11 (2) the guidelines set forth in Appendix A of
12 the report of the Committee on Interior and Insular
13 Affairs of the House of Representatives accom-
14 panying H.R. 2570 of the 101st Congress (House
15 Report 101–405).

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

21 (d) ADJACENT MANAGEMENT.—

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

1 (2) NONWILDERNESS ACTIVITIES.—The fact
2 that nonwilderness activities or uses can be seen or
3 heard from within a wilderness area shall not pre-
4 clude the conduct of those activities or uses outside
5 the boundary of the wilderness area.

6 (e) MILITARY OVERFLIGHTS.—Nothing in this title
7 restricts or precludes—

8 (1) low-level overflights of military aircraft over
9 the wilderness areas, including military overflights
10 that can be seen or heard within the wilderness
11 areas;

12 (2) flight testing or evaluation; or

13 (3) the designation or creation of new units of
14 special use airspace, or the establishment of military
15 flight training routes, over the wilderness areas.

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

23 (g) CLIMATOLOGICAL DATA COLLECTION.—In ac-
24 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
25 and subject to such terms and conditions as the Secretary

1 may prescribe, the Secretary may authorize the installa-
2 tion and maintenance of hydrologic, meteorologic, or cli-
3 matological data collection devices in the wilderness areas
4 if the Secretary determines that the facilities and access
5 to the facilities are essential to flood warning, flood con-
6 trol, or water reservoir operation activities.

7 (h) WATER RIGHTS.—

8 (1) FINDINGS.—Congress finds that—

9 (A) the wilderness areas are located—

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

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

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

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

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

1 (C) because of the unique nature of the
2 wilderness areas, it is possible to provide for
3 proper management and protection of the wil-
4 derness and other values of the land in ways
5 different from the methods used in other laws.

6 (2) PURPOSE.—The purpose of this subsection
7 is to protect the wilderness values of the wilderness
8 areas by means other than a federally reserved water
9 right.

10 (3) STATUTORY CONSTRUCTION.—

11 (A) NO RESERVATION.—Nothing in this
12 title constitutes an express or implied reserva-
13 tion by the United States of any water or water
14 rights with respect to the wilderness areas.

15 (B) STATE RIGHTS.—Nothing in this title
16 affects any water rights in the State (including
17 any water rights held by the United States) in
18 existence on the date of enactment of this Act.

19 (C) NO PRECEDENT.—Nothing in this title
20 establishes a precedent with regard to any fu-
21 ture wilderness designations.

22 (D) NO EFFECT ON OTHER DESIGNA-
23 TIONS.—Nothing in this title affects the inter-
24 pretation of, or any designation made under,
25 any other Act.

1 (E) NO EFFECT ON COMPACTS.—Nothing
 2 in this title limits, alters, modifies, or amends
 3 any interstate compact or equitable apportion-
 4 ment decree that apportions water among and
 5 between the State and other States.

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

11 (5) NEW PROJECTS.—

12 (A) DEFINITION OF WATER RESOURCE FA-
 13 CILITY.—

14 (i) IN GENERAL.—In this paragraph,
 15 the term “water resource facility” means—

16 (I) an irrigation or pumping fa-
 17 cility;

18 (II) a reservoir;

19 (III) a water conservation works;

20 (IV) an aqueduct, canal, ditch,
 21 pipeline, well, hydropower project, or
 22 transmission or other ancillary facil-
 23 ity; and

1 (V) any other water diversion,
2 conservation, storage, or carriage
3 structure.

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

7 (B) NO LICENSES OR PERMITS.—Except
8 as otherwise provided in this title, on and after
9 the date of enactment of this Act, neither the
10 President nor any other officer, employee, or
11 agent of the United States shall fund, assist,
12 authorize, or issue a license or permit for the
13 development of any new water resource facility
14 within the wilderness areas.

15 **SEC. 204. WILDLIFE MANAGEMENT.**

16 (a) IN GENERAL.—In accordance with section
17 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
18 nothing in this title affects or diminishes the jurisdiction
19 of the State with respect to fish and wildlife management,
20 including the regulation of hunting, fishing, and trapping
21 in the wilderness areas.

22 (b) MANAGEMENT ACTIVITIES.—In furtherance of
23 the purposes and principles of the Wilderness Act (16
24 U.S.C. 1131 et seq.), the Secretary may conduct any man-
25 agement activities in the wilderness areas that are nec-

1 essary to maintain or restore fish and wildlife populations
2 and the habitats to support the populations, if the activi-
3 ties are carried out—

4 (1) consistent with relevant wilderness manage-
5 ment plans; and

6 (2) in accordance with—

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

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

22 (c) EXISTING ACTIVITIES.—In accordance with sec-
23 tion 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1))
24 and in accordance with appropriate policies such as those
25 set forth in Appendix B of the Committee on Interior and

1 Insular Affairs of the House of Representatives accom-
 2 panying H.R. 2570 of the 101st Congress (House Report
 3 101–405), the State may continue to use aircraft (includ-
 4 ing helicopters) to survey, capture, transplant, monitor,
 5 and provide water for wildlife populations.

6 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—
 7 Subject to subsection (f), the Secretary shall authorize
 8 structures and facilities, including existing structures and
 9 facilities, for wildlife water development projects, including
 10 guzzlers, in the wilderness areas if—

11 (1) the structures and facilities would, as deter-
 12 mined by the Secretary, enhance wilderness values
 13 by promoting healthy, viable, and more naturally
 14 distributed wildlife populations; and

15 (2) the visual impacts of the structures and fa-
 16 cilities on the wilderness areas can reasonably be
 17 minimized.

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

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

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

5 (f) COOPERATIVE AGREEMENT.—

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

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

19 (B) subject to all applicable laws (including
20 regulations).

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

1 **SEC. 205. RELEASE OF WILDERNESS STUDY AREAS.**

2 (a) FINDING.—Congress finds that, for the purposes
3 of section 603(c) of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1782(c)), the following pub-
5 lic land has been adequately studied for wilderness des-
6 ignation:

7 (1) The approximately 10,777 acres of the Au-
8 gusta Mountain Wilderness Study Area within the
9 County that has not been designated as wilderness
10 by section 202(a).

11 (2) The approximately 1,088 acres of the
12 Desatoya Wilderness Study Area within the County
13 that has not been designated as wilderness by sec-
14 tion 202(a).

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

17 (1) is no longer subject to section 603(c) of the
18 Federal Land Policy and Management Act of 1976
19 (43 U.S.C. 1782(c)); and

20 (2) shall be managed in accordance with the ap-
21 plicable land use plans adopted under section 202 of
22 the Federal Land Policy and Management Act of
23 1976 (43 U.S.C. 1712).

1 **SEC. 206. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
2 **USES.**

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

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

