

113TH CONGRESS  
1ST SESSION

# H. R. 2276

To promote economic development and to preserve the Lake Mead Area in Clark County, Nevada, in order to conserve, protect, and enhance the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the area, to designate wilderness areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

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

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## A BILL

To promote economic development and to preserve the Lake Mead Area in Clark County, Nevada, in order to conserve, protect, and enhance the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the area, to designate wilderness areas, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Virgin Valley Tourism and Lake Mead Preservation  
 4 Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—TOURISM PROMOTION AND ECONOMIC DEVELOPMENT

- Sec. 101. Findings.
- Sec. 102. Visitor center, research, and interpretation.
- Sec. 103. Local consultation on energy development.
- Sec. 104. Local airport development extension and multi-species habitat conservation plan.
- Sec. 105. Lake Mead tourism access.
- Sec. 106. Clark County off-road vehicle trail designation.
- Sec. 107. Virgin Valley Tourism and Economic Advisory Council.

TITLE II—GOLD BUTTE NATIONAL CONSERVATION AREA

- Sec. 201. Establishment of Gold Butte National Conservation Area.
- Sec. 202. Management of Conservation Area.
- Sec. 203. General provisions.
- Sec. 204. Virgin Valley water district.
- Sec. 205. Gold Butte National Conservation Area Advisory Council.

TITLE III—DESIGNATION OF WILDERNESS AREAS IN CLARK COUNTY, NEVADA

- Sec. 301. Additions to National Wilderness Preservation System.
- Sec. 302. Administration.
- Sec. 303. Adjacent management.
- Sec. 304. Military, law enforcement, and emergency overflights.
- Sec. 305. Release of wilderness study areas.
- Sec. 306. Native American cultural and religious uses.
- Sec. 307. Wildlife, wildfire, insect, and disease management; data collection.
- Sec. 308. National Park System land.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Termination of withdrawal of Bureau of Land Management land.
- Sec. 402. Relationship to Clark Count Multi-Species Habitat Conservation Plan.
- Sec. 403. Motorized vehicles.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the public land north of Lake Mead, in  
4 southeastern Nevada generally known as “Gold  
5 Butte” is recognized for outstanding—

6 (A) scenic values;

7 (B) natural resources, including critical  
8 habitat, sensitive species, wildlife, desert tor-  
9 toise habitat, and geology;

10 (C) historic resources, including historic  
11 mining, ranching and other western cultures,  
12 and pioneer activities; and

13 (D) cultural resources, including evidence  
14 of prehistoric habitation and rock art;

15 (2) Lake Mead and Gold Butte have become a  
16 destination for diverse recreation opportunities, in-  
17 cluding camping, hiking, hunting, fishing, motorized  
18 recreation, and sightseeing;

19 (3) Lake Mead and Gold Butte draw visitors  
20 from throughout the United States;

21 (4) Lake Mead and Gold Butte provide impor-  
22 tant economic benefits to Mesquite and other nearby  
23 communities;

24 (5) inclusion of the Gold Butte National Con-  
25 servation Area in the National Landscape Conserva-

1 tion System would provide increased opportunities  
2 for—

3 (A) interpretation of the diverse values of  
4 the area for the visiting public; and

5 (B) education and community outreach in  
6 the region; and

7 (6) designation of Gold Butte as a National  
8 Conservation Area will permanently protect the sce-  
9 nic, biological, natural, historical, scientific, paleon-  
10 tological, recreational, ecological, wilderness, and  
11 cultural resources within the area.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **ADVISORY COUNCIL.**—The term “Advisory  
15 Council” means the Gold Butte National Conserva-  
16 tion Area Advisory Council established under title II.

17 (2) **CONSERVATION AREA.**—The term “Con-  
18 servation Area” means the Gold Butte National  
19 Conservation Area established by title II.

20 (3) **COUNTY.**—The term “County” means Clark  
21 County, Nevada.

22 (4) **DESIGNATED ROUTE.**—The term “des-  
23 ignated route” means a road that is designated as  
24 open by the Route Designations for Selected Areas  
25 of Critical Environmental Concern Located in the

1 Northeast Portion of the Las Vegas BLM District  
2 Environmental Assessment, NV-052-2006-0433.

3 (5) VIRGIN VALLEY TOURISM AND ECONOMIC  
4 ADVISORY COUNCIL.—The term “Virgin Valley  
5 Tourism and Economic Advisory Council” has the  
6 meaning designated by section 107.

7 (6) MANAGEMENT PLAN.—The term “manage-  
8 ment plan” means the management plan for the  
9 Conservation Area developed under title II.

10 (7) MAP.—The term “Map” means the map en-  
11 titled “Gold Butte National Conservation Area” and  
12 dated May 23, 2013.

13 (8) PUBLIC LAND.—The term “public land”  
14 has the meaning given the term “public lands” in  
15 section 103 of the Federal Land Policy and Manage-  
16 ment Act of 1976 (43 U.S.C. 1702).

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

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

21 (11) WILDERNESS AREA.—The term “wilder-  
22 ness area” means a wilderness areas designated by  
23 title III.

1 **TITLE I—TOURISM PROMOTION**  
2 **AND ECONOMIC DEVELOPMENT**

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

5 (1) the management of Federal lands has been  
6 shown to be more effective when local stakeholders  
7 are regularly consulted to enhance the under-  
8 standing of unique concerns and opportunities;

9 (2) the Lake Mead and Gold Butte areas are  
10 rich in cultural, archaeological, natural, historical,  
11 and scenic resources;

12 (3) the communities adjacent to the Gold Butte  
13 National Conservation Area should be able to enjoy  
14 recreational access to the region, while preserving  
15 the natural beauty and resources of the region;

16 (4) the Lake Mead and Gold Butte regions pos-  
17 sess significant economic potential;

18 (5) the outdoor recreation industry directly im-  
19 pacts Nevada's economy, bolstering it annually by  
20 \$14.9 billion in consumer spending and 148,000  
21 jobs; and

22 (6) the economic benefits of protected lands in-  
23 clude higher growth in investment income and entre-  
24 preneurial activity, and an increase in local tourism

1 and new residents seeking the quality of life pro-  
2 vided by Federal lands protections.

3 **SEC. 102. VISITOR CENTER, RESEARCH, AND INTERPRETA-**  
4 **TION.**

5 (a) IN GENERAL.—The Secretary, acting through the  
6 Director of the Bureau of Land Management, may estab-  
7 lish, in cooperation with any other public or private enti-  
8 ties that the Secretary may determine to be appropriate,  
9 a visitor center and field office in Mesquite, Nevada—

10 (1) to serve visitors; and

11 (2) to assist in fulfilling the purposes of—

12 (A) the Lake Mead National Recreation  
13 Area;

14 (B) the Grand Canyon-Parashant National  
15 Monument; and

16 (C) the Conservation Area.

17 (b) REQUIREMENTS.—The Secretary shall ensure  
18 that the visitor center authorized under subsection (a) is  
19 designed—

20 (1) to interpret the scenic, biological, natural,  
21 historical, scientific, paleontological, recreational, ec-  
22 ological, wilderness, and cultural resource of each of  
23 the areas described in that subsection; and

24 (2) to serve as an interagency field office for  
25 each of the areas described in that subsection.

1           (c) COOPERATIVE AGREEMENTS.—The Secretary  
2 may, in a manner consistent with this Act, enter into coop-  
3 erative agreements with the State, the State of Arizona,  
4 and any other appropriate institutions and organizations  
5 to carry out the purposes of this section.

6 **SEC. 103. LOCAL CONSULTATION ON ENERGY DEVELOP-**  
7 **MENT.**

8           As soon as practicable, but not later than 2 years,  
9 after the date of the enactment of this title, the Secretary,  
10 in cooperation with the Virgin Valley Tourism and Eco-  
11 nomic Advisory Council and any other public or private  
12 entities that the Secretary may determine to be appro-  
13 priate, shall complete a study regarding local renewable  
14 energy development in accordance with the National Envi-  
15 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
16 the Endangered Species Act of 1973, and the Clark Coun-  
17 ty Multi-Species Habitat Conservation Plan.

18 **SEC. 104. LOCAL AIRPORT DEVELOPMENT EXTENSION AND**  
19 **MULTI-SPECIES HABITAT CONSERVATION**  
20 **PLAN.**

21           (a) EXTENSION OF PURCHASE AUTHORITY AND  
22 WITHDRAWALS.—Section 3 of Public Law 99–548 (100  
23 Stat. 3061, 113 Stat. 1501A–166) is amended—

24                   (1) in subsection (e)—



1 (A) in paragraph (1)(A), by striking “For  
2 a period of 12 years after the date of the enact-  
3 ment of this Act” and inserting “Until Novem-  
4 ber 29, 2021”;

5 (B) in paragraph (3), by striking “Not  
6 later than 10 years after the date of the enact-  
7 ment of this subsection” and inserting “Not  
8 later than November 29, 2021”; and

9 (C) in paragraph (5), by striking “the date  
10 that is 12 years after the date of the enactment  
11 of this subsection” and inserting “November  
12 29, 2021”; and

13 (2) in subsection (f)(3), by striking “the date  
14 that is 12 years after the date of the enactment of  
15 this subsection” and inserting “November 29,  
16 2021”.

17 (b) IMPLEMENTATION OF MULTI-SPECIES HABITAT  
18 CONSERVATION PLANS.—Section 3(d)(3)(B) of Public  
19 Law 99–548 (100 Stat. 3061, 116 Stat. 2018) is amended  
20 by inserting “and implementation” after “development”.

21 **SEC. 105. LAKE MEAD TOURISM ACCESS.**

22 Not later than 2 years after the date of the enact-  
23 ment of this Act, the Secretary, in consultation with the  
24 Virgin Valley Tourism and Economic Advisory Council, as  
25 defined in section 107 of this Act, shall implement a plan

1 to provide local boat access to Lake Mead, in accordance  
2 with the National Environmental Policy Act of 1969 (42  
3 U.S.C. 4321 et seq.), the Endangered Species Act of 1973,  
4 and the Clark County Multi-Species Habitat Conservation  
5 Plan.

6 **SEC. 106. CLARK COUNTY OFF-ROAD VEHICLE TRAIL DES-**  
7 **IGNATION.**

8 (a) STUDY.—

9 (1) IN GENERAL.—Not later than 2 years after  
10 the enactment of this Act, the Secretary shall com-  
11 plete a study with a focus on existing, designated  
12 routes outside the National Conservation Area estab-  
13 lished by this Act in accordance with the National  
14 Environmental Policy Act of 1969 (42 U.S.C. 4321  
15 et seq.), the Endangered Species Act of 1973, and  
16 the Clark County Multi-Species Habitat Conserva-  
17 tion Plan for an Off-Highway Vehicle Trail (referred  
18 to in this section as the “Trail”).

19 (2) PREFERRED ROUTE.—Based on the study  
20 conducted under paragraph (1), the Secretary, in  
21 consultation with the Virgin Valley Tourism and  
22 Economic Advisory Council, as defined in section 3  
23 of this Act, and any interested persons, shall identify  
24 the preferred route for the Trail.

25 (b) DESIGNATION OF TRAIL.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           not later than 1 year after the date on which the  
3           study is completed under subsection (a), the Sec-  
4           retary may designate a Trail.

5           (2) LIMITATIONS.—The Secretary may des-  
6           ignate a Trail after determining a route for the  
7           Trail that would not have significant negative im-  
8           pacts on wildlife, natural or cultural resources, or  
9           traditional uses.

10 **SEC. 107. VIRGIN VALLEY TOURISM AND ECONOMIC ADVI-**  
11 **SORY COUNCIL.**

12           (a) ESTABLISHMENT.—Not later than 180 days after  
13 the date of the enactment of this Act, the Secretary shall  
14 establish an advisory council, to be known as the “Virgin  
15 Valley Tourism and Economic Advisory Council”.

16           (b) APPLICABLE LAW.—The Virgin Valley Tourism  
17 and Economic Advisory Council shall be subject to the  
18 Federal Advisory Committee Act (5 U.S.C. App.).

19           (c) MEMBERS.—

20           (1) IN GENERAL.—The Virgin Valley Tourism  
21 and Economic Advisory Council shall include 13  
22 members to be appointed by the Secretary, of whom,  
23 to the extent practicable—

1 (A) 4 members shall be appointed after  
2 considering the recommendations of the Mes-  
3 quite, Nevada, City Council;

4 (B) 1 member shall be appointed after con-  
5 sidering the recommendations of the Bunker-  
6 ville, Nevada, Town Advisory Board;

7 (C) 1 member shall be appointed after con-  
8 sidering the recommendations of the Moapa  
9 Valley, Nevada, Town Advisory Board;

10 (D) 1 member shall be appointed after  
11 considering the recommendations of the Moapa,  
12 Nevada, Town Advisory Board;

13 (E) 1 member shall be appointed after con-  
14 sidering the recommendations of the Moapa  
15 Band of Paiutes Tribal Council; and

16 (F) 5 at-large members from the County  
17 shall be appointed after considering the rec-  
18 ommendations of the County Commission.

19 (2) REPRESENTATION.—The Secretary shall en-  
20 sure that the membership of the Virgin Valley Tour-  
21 ism and Economic Advisory Council is fairly bal-  
22 anced in terms of the points of view represented and  
23 the functions to be performed by the Virgin Valley  
24 Tourism and Economic Advisory Council.

1           (3) INITIAL APPOINTMENT.—Not later than  
2           180 days after the date of the enactment of this Act,  
3           the Secretary shall appoint the initial members of  
4           the Virgin Valley Tourism and Economic Advisory  
5           Council in accordance with paragraph (1).

6           (d) DUTIES OF THE VIRGIN VALLEY TOURISM AND  
7           ECONOMIC ADVISORY COUNCIL.—The Virgin Valley Tour-  
8           ism and Economic Advisory Council shall advise the Sec-  
9           retary with respect to the preparation and implementation  
10          of economic development initiatives.

11          (e) COMPENSATION.—Members of the Virgin Valley  
12          Tourism and Economic Advisory Council shall receive no  
13          compensation for serving on the Council.

14          (f) CHAIRPERSON.—

15                (1) IN GENERAL.—The Virgin Valley Tourism  
16                and Economic Advisory Council shall elect a Chair-  
17                person from among its members.

18                (2) TERM.—The term of the Chairperson shall  
19                be 3 years.

20          (g) TERM OF MEMBERS.—

21                (1) IN GENERAL.—The term of a member of  
22                the Virgin Valley Tourism and Economic Advisory  
23                Council shall be 3 years.

24                (2) SUCCESSORS.—Notwithstanding the expira-  
25                tion of a 3-year term of a member of the Virgin Val-

1       ley Tourism and Economic Advisory Council, a  
 2       member may continue to serve on the Virgin Valley  
 3       Tourism and Economic Advisory Council until a suc-  
 4       cessor is appointed.

5       (h) VACANCIES.—

6           (1) IN GENERAL.—A vacancy on the Virgin  
 7       Valley Tourism and Economic Advisory Council shall  
 8       be filled in the same manner in which the original  
 9       appointment was made.

10          (2) APPOINTMENT FOR REMAINDER OF  
 11       TERM.—A member appointed to fill a vacancy on the  
 12       Virgin Valley Tourism and Economic Advisory  
 13       Council shall serve for the remainder of the term for  
 14       which the predecessor was appointed.

15       **TITLE II—GOLD BUTTE NA-**  
 16       **TIONAL CONSERVATION AREA**

17       **SEC. 201. ESTABLISHMENT OF GOLD BUTTE NATIONAL**  
 18       **CONSERVATION AREA.**

19          (a) ESTABLISHMENT.—There is established the Gold  
 20       Butte National Conservation Area in the State.

21          (b) AREA INCLUDED.—The Conservation Area shall  
 22       consist of approximately 348,515 acres of public land ad-  
 23       ministered by the Bureau of Land Management in the  
 24       County, as generally depicted on the Map.

25          (c) MAP AND LEGAL DESCRIPTION.—

1           (1) IN GENERAL.—As soon as practicable after  
2           the date of the enactment of this Act, the Secretary  
3           shall file a map and legal description of the Con-  
4           servation Area with the Committee on Natural Re-  
5           sources of the House of Representatives and the  
6           Committee on Energy and Natural Resources of the  
7           Senate.

8           (2) EFFECT.—The map and legal description  
9           prepared under paragraph (1) shall have the same  
10          force and effect as if included in this title, except  
11          that the Secretary may correct minor errors in the  
12          map or legal description.

13          (3) PUBLIC AVAILABILITY.—A copy of the map  
14          and legal description shall be on file and available  
15          for public inspection in the appropriate offices of the  
16          Bureau of Land Management and the National Park  
17          Service.

18 **SEC. 202. MANAGEMENT OF CONSERVATION AREA.**

19          (a) PURPOSES.—In accordance with this title, the  
20          Federal Land Policy and Management Act of 1976 (43  
21          U.S.C. 1701 et seq.), and other applicable laws, the Sec-  
22          retary shall manage the Conservation Area in a manner  
23          that conserves, protects, and enhances the scenic, biologi-  
24          cal, natural, historical, scientific, paleontological, rec-

1 reational, ecological, wilderness, and cultural resources of  
2 the Conservation Area.

3 (b) MANAGEMENT PLAN.—

4 (1) PLAN REQUIRED.—Not later than 3 years  
5 after the date of the enactment of this Act, the Sec-  
6 retary shall develop a management plan for the long-  
7 term protection and management of the Conserva-  
8 tion Area.

9 (2) CONSULTATION.—The Secretary shall pre-  
10 pare the management plan in consultation with the  
11 State, local and tribal government entities, the Advi-  
12 sory Council, and the public.

13 (3) REQUIREMENTS.—The management plan  
14 shall—

15 (A) describe the appropriate uses and  
16 management of the Conservation Area; and

17 (B) include a recommendation on interpre-  
18 tive and educational materials regarding the  
19 cultural and biological resources of the region  
20 within which the Conservation Area is located.

21 (4) INCORPORATION OF ROUTE DESIGNA-  
22 TIONS.—The management plan shall incorporate the  
23 decisions in the Route Designations for Selected  
24 Areas of Critical Environmental Concern Located in  
25 the Northeast Portion of the Las Vegas BLM Dis-



1        trict Environmental Assessment, NV-052-2006-  
2        0433.

3        (c) USES.—The Secretary shall allow only such uses  
4 of the Conservation Area that the Secretary determines  
5 would further the purpose of the Conservation Area de-  
6 scribed in subsection (a).

7        (d) INCORPORATION OF ACQUIRED LAND AND IN-  
8 TERESTS.—Any land or interests in land located within  
9 the boundary of the Conservation Area that is acquired  
10 by the United States after the date of the enactment of  
11 this Act shall become part of the Conservation Area and  
12 be managed as provided in subsection (a).

13        (e) NATIONAL LANDSCAPE CONSERVATION SYS-  
14 TEM.—The Conservation Area shall be administered as a  
15 component of the National Landscape Conservation Sys-  
16 tem.

17        (f) HUNTING, FISHING, AND TRAPPING.—Nothing in  
18 this title affects the jurisdiction of the State with respect  
19 to fish and wildlife, including hunting, fishing, and trap-  
20 ping in the Conservation Area.

21 **SEC. 203. GENERAL PROVISIONS.**

22        (a) NO BUFFER ZONES.—

23            (1) IN GENERAL.—The establishment of the  
24 Conservation Area shall not create an express or im-

1       plied protective perimeter or buffer zone around the  
2       Conservation Area.

3               (2) PRIVATE LAND.—If the use of, or conduct  
4       of an activity on, private land that shares a bound-  
5       ary with the Conservation Area is consistent with  
6       applicable law, nothing in this title concerning the  
7       establishment of the Conservation Area prohibits or  
8       limits the use or conduct of the activity.

9               (b) WITHDRAWALS.—Subject to valid existing rights,  
10      all public land within the Conservation Area, including any  
11      land or interest in land that is acquired by the United  
12      States within the Conservation Area after the date of the  
13      enactment of this Act, is withdrawn from—

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

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

18              (3) operation of the mineral leasing, mineral  
19      materials, and geothermal leasing laws.

20              (c) SPECIAL MANAGEMENT AREAS.—

21              (1) IN GENERAL.—The establishment of the  
22      Conservation Area shall not affect the management  
23      status of any area within the boundary of the Con-  
24      servation Area that is protected under the Clark  
25      County Multi-Species Habitat Conservation Plan.

1           (2) CONFLICT OF LAWS.—If there is a conflict  
2       between the laws applicable to an area described in  
3       paragraph (1) and this title, the more restrictive  
4       provision shall control.

5   **SEC. 204. VIRGIN VALLEY WATER DISTRICT.**

6       Notwithstanding any other provisions of law, the Sec-  
7       retary shall manage the area to allow continued and rea-  
8       sonable use and access by the Virgin Valley Water Dis-  
9       trict, including use of motorized vehicles and equipment,  
10      within its rights-of-way, to access, monitor, maintain, and  
11      operate water diversions, facilities, and improvements fa-  
12      cilitating lawful beneficial use of its existing and future  
13      water rights appropriated under applicable State law.

14   **SEC. 205. GOLD BUTTE NATIONAL CONSERVATION AREA**  
15                   **ADVISORY COUNCIL.**

16       (a) ESTABLISHMENT.—Not later than 180 days after  
17      the date of the enactment of this Act, the Secretary shall  
18      establish an advisory council, to be known as the “Gold  
19      Butte National Conservation Area Advisory Council”.

20       (b) DUTIES.—The Advisory Council shall advise the  
21      Secretary with respect to the preparation and implementa-  
22      tion of the management plan.

23       (c) APPLICABLE LAW.—The Advisory Council shall  
24      be subject to—

1           (1) the Federal Advisory Committee Act (5  
2 U.S.C. App.); and

3           (2) the Federal Land Policy and Management  
4 Act of 1976 (43 U.S.C. 1701 et seq.).

5 (d) MEMBERS.—

6           (1) IN GENERAL.—The Advisory Council shall  
7 include 13 members to be appointed by the Sec-  
8 retary, of whom, to the extent practicable—

9           (A) 4 members shall be appointed after  
10 considering the recommendations of the Mes-  
11 quite, Nevada, City Council;

12           (B) 1 member shall be appointed after con-  
13 sidering the recommendations of the Bunker-  
14 ville, Nevada, Town Advisory Board;

15           (C) 1 member shall be appointed after con-  
16 sidering the recommendations of the Moapa  
17 Valley, Nevada, Town Advisory Board;

18           (D) 1 member shall be appointed after  
19 considering the recommendations of the Moapa,  
20 Nevada, Town Advisory Board;

21           (E) 1 member shall be appointed after con-  
22 sidering the recommendations of the Moapa  
23 Band of Paiutes Tribal Council; and

1 (F) 5 at-large members from the County  
2 shall be appointed after considering the rec-  
3 ommendations of the County Commission.

4 (2) SPECIAL APPOINTMENT CONSIDER-  
5 ATIONS.—The at-large members appointed under  
6 paragraph (1)(F) shall have backgrounds that re-  
7 flect—

8 (A) the purposes for which the Conserva-  
9 tion Area was established; and

10 (B) the interests of persons affected by the  
11 planning and management of the Conservation  
12 Area.

13 (3) REPRESENTATION.—The Secretary shall en-  
14 sure that the membership of the Advisory Council is  
15 fairly balanced in terms of the points of view rep-  
16 resented and the functions to be performed by the  
17 Advisory Council.

18 (4) INITIAL APPOINTMENT.—Not later than  
19 180 days after the date of the enactment of this Act,  
20 the Secretary shall appoint the initial members of  
21 the Advisory Council in accordance with paragraph  
22 (1).

23 (e) DUTIES OF THE ADVISORY COUNCIL.—The Advi-  
24 sory Council shall advise the Secretary with respect to the  
25 preparation and implementation of the management plan,

1 including budgetary matters relating to the Conservation  
2 Area.

3 (f) COMPENSATION.—Members of the Advisory Coun-  
4 cil shall receive no compensation for serving on the Advi-  
5 sory Council.

6 (g) CHAIRPERSON.—

7 (1) IN GENERAL.—The Advisory Council shall  
8 elect a Chairperson from among the members of the  
9 Advisory Council.

10 (2) TERM.—The term of the Chairperson shall  
11 be 3 years.

12 (h) TERM OF MEMBERS.—

13 (1) IN GENERAL.—The term of a member of  
14 the Advisory Council shall be 3 years.

15 (2) SUCCESSORS.—Notwithstanding the expira-  
16 tion of a 3-year term of a member of the Advisory  
17 Council, a member may continue to serve on the Ad-  
18 visory Council until a successor is appointed.

19 (i) VACANCIES.—

20 (1) IN GENERAL.—A vacancy on the Advisory  
21 Council shall be filled in the same manner in which  
22 the original appointment was made.

23 (2) APPOINTMENT FOR REMAINDER OF  
24 TERM.—A member appointed to fill a vacancy on the

1 Advisory Council shall serve for the remainder of the  
2 term for which the predecessor was appointed.

3 (j) TERMINATION.—The Advisory Council shall ter-  
4 minate not later than 3 years after the date on which the  
5 final version of the management plan is published.

6 **TITLE III—DESIGNATION OF**  
7 **WILDERNESS AREAS IN**  
8 **CLARK COUNTY, NEVADA**

9 **SEC. 301. ADDITIONS TO NATIONAL WILDERNESS PRESER-**  
10 **VATION SYSTEM.**

11 (a) ADDITIONS.—In furtherance of the Wilderness  
12 Act (16 U.S.C. 1131 et seq.), the following public land  
13 administered by the National Park Service or the Bureau  
14 of Land Management in the County is designated as wil-  
15 derness and as components of the National Wilderness  
16 Preservation System:

17 (1) VIRGIN PEAK WILDERNESS.—Certain public  
18 land managed by the Bureau of Land Management,  
19 comprising approximately 18,296 acres, as generally  
20 depicted on the Map, which shall be known as the  
21 “Virgin Peak Wilderness”.

22 (2) BLACK RIDGE WILDERNESS.—Certain pub-  
23 lic land managed by the Bureau of Land Manage-  
24 ment, comprising approximately 18,192 acres, as

1 generally depicted on the Map, which shall be known  
2 as the “Black Ridge Wilderness”.

3 (3) BITTER RIDGE NORTH WILDERNESS.—Cer-  
4 tain public land managed by the Bureau of Land  
5 Management comprising approximately 15,114  
6 acres, as generally depicted on the Map, which shall  
7 be known as the “Bitter Ridge North Wilderness”.

8 (4) BITTER RIDGE SOUTH WILDERNESS.—Cer-  
9 tain public land managed by the Bureau of Land  
10 Management, comprising approximately 12,646  
11 acres, as generally depicted on the Map, which shall  
12 be known as the “Bitter Ridge Wilderness”.

13 (5) BILLY GOAT PEAK WILDERNESS.—Certain  
14 public land managed by the Bureau of Land Man-  
15 agement, comprising approximately 30,460 acres, as  
16 generally depicted on the Map, which shall be known  
17 as the “Billy Goat Peak Wilderness”.

18 (6) MILLION HILLS WILDERNESS.—Certain  
19 public land managed by the Bureau of Land Man-  
20 agement, comprising approximately 24,818 acres, as  
21 generally depicted on the Map, which shall be known  
22 as the “Million Hills Wilderness”.

23 (7) LAKE MEAD WILDERNESS.—Certain public  
24 land within the Lake Mead National Recreation  
25 Area, comprising approximately 102,032 acres, as



1 generally depicted on the Map, which shall be known  
2 as the “Lake Mead Wilderness”.

3 (b) NATIONAL LANDSCAPE CONSERVATION SYS-  
4 TEM.—The wilderness areas administered by the Bureau  
5 of Land Management shall be administered as components  
6 of the National Landscape Conservation System.

7 (c) ROAD OFFSET.—The boundary of any portion of  
8 a wilderness area that is bordered by a road shall be at  
9 least 100 feet away from the centerline of the road so as  
10 not to interfere with public access.

11 (d) LAKE OFFSET.—The boundary of any portion of  
12 a wilderness area that is bordered by Lake Mead or the  
13 Colorado River shall be 300 feet inland from the high  
14 water line.

15 (e) MAP AND LEGAL DESCRIPTION.—

16 (1) IN GENERAL.—As soon as practicable after  
17 the date of the enactment of this Act, the Secretary  
18 shall file a map and legal description of each wilder-  
19 ness area with the Committee on Natural Resources  
20 of the House of Representatives and the Committee  
21 on Energy and Natural Resources of the Senate.

22 (2) EFFECT.—Each map and legal description  
23 under paragraph (1) shall have the same force and  
24 effect as if included in this title, except that the Sec-

1       retary may correct clerical and typographical errors  
2       in the map or legal description.

3           (3) AVAILABILITY.—Each map and legal de-  
4       scription under paragraph (1) shall be on file and  
5       available for public inspection in the appropriate of-  
6       fices of the Bureau of Land Management and the  
7       National Park Service.

8       **SEC. 302. ADMINISTRATION.**

9           (a) MANAGEMENT.—Subject to valid existing rights,  
10      the wilderness areas shall be administered by the Sec-  
11      retary in accordance with the Wilderness Act (16 U.S.C.  
12      1131 et seq.), except that—

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

16           (2) any reference in that Act to the Secretary  
17      of Agriculture shall be considered to be a reference  
18      to the Secretary.

19           (b) INCORPORATION OF ACQUIRED LAND AND IN-  
20      TERESTS.—Any land or interest in land within the bound-  
21      aries of a wilderness area that is acquired by the United  
22      States after the date of the enactment of this Act shall  
23      be added to, and administered as part of, the wilderness  
24      area within which the acquired land or interest is located.

25           (c) WATER RIGHTS.—

1 (1) FINDINGS.—Congress finds that—

2 (A) the land designated as a wilderness  
3 area—

4 (i) is within the Mojave Desert;

5 (ii) is arid in nature; and

6 (iii) includes ephemeral streams;

7 (B) the hydrology of the land designated  
8 as a wilderness area is locally characterized by  
9 complex flow patterns and alluvial fans with im-  
10 permanent channels;

11 (C) the subsurface hydrogeology of the re-  
12 gion within which the land designated as a wil-  
13 derness area is located is characterized by  
14 ground water subject to local and regional flow  
15 gradients and artesian aquifers;

16 (D) the land designated as a wilderness  
17 area is generally not suitable for use or develop-  
18 ment of new water resource facilities;

19 (E) there are no actual or proposed water  
20 resource facilities and no opportunities for di-  
21 version, storage, or other uses of water occur-  
22 ring outside the land designated as a wilderness  
23 area that would adversely affect the wilderness  
24 or other values of the land; and

1 (F) because of the unique nature and hy-  
2 drology of the desert land designated as a wil-  
3 derness area and the existence of the Clark  
4 County Multi-Species Habitat Conservation  
5 Plan, it is possible to provide for proper man-  
6 agement and protection of the wilderness, pe-  
7 rennial springs, and other values of the land in  
8 ways different than the methods used in other  
9 laws.

10 (2) 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 land designated as a  
15 wilderness area.

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

20 (C) NO PRECEDENT.—Nothing in this sub-  
21 section establishes a precedent with regard to  
22 any future wilderness designations.

23 (D) NO EFFECT ON COMPACTS.—Nothing  
24 in this title limits, alters, modifies, or amends  
25 any of the interstate compacts or equitable ap-

1           portionment decrees that apportion water  
2           among and between the State and other States.

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

9           (4) NEW PROJECTS.—

10           (A) DEFINITION.—

11           (i) IN GENERAL.—In this paragraph,  
12           the term “water resource facility” means  
13           irrigation and pumping facilities, res-  
14           ervoirs, water conservation works, aque-  
15           ducts, canals, ditches, pipelines, wells, hy-  
16           dropower projects, and transmission and  
17           other ancillary facilities, and other water  
18           diversion, storage, and carriage structures.

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

22           (B) NO LICENSES OR PERMITS.—Except  
23           as otherwise provided in this title, on and after  
24           the date of the enactment of this Act, neither  
25           the President nor any other officer, employee,

1 or agent of the United States shall fund, assist,  
2 authorize, or issue a license or permit for the  
3 development of any new water resource facility  
4 within the land designated as a wilderness area.

5 (d) WITHDRAWAL.—Subject to valid existing rights,  
6 any Federal land within the wilderness areas, including  
7 any land or interest in land that is acquired by the United  
8 States within the Conservation Area after the date of the  
9 enactment of this Act, is withdrawn from—

10 (1) entry, appropriation, or disposal under the  
11 public land laws;

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

14 (3) operation of the mineral leasing, mineral  
15 materials, and geothermal leasing laws.

16 **SEC. 303. ADJACENT MANAGEMENT.**

17 (a) NO BUFFER ZONES.—Congress does not intend  
18 for the designation of land as wilderness areas to lead to  
19 the creation of protective perimeters or buffer zones  
20 around the wilderness areas.

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

1 **SEC. 304. MILITARY, LAW ENFORCEMENT, AND EMERGENCY**  
2 **OVERFLIGHTS.**

3 Nothing in this Act restricts or precludes—

4 (1) low-level overflights of military, law enforce-  
5 ment, or emergency medical services aircraft over  
6 the area designated as wilderness by this Act, in-  
7 cluding military, law enforcement, or emergency  
8 medical services overflights that can be seen or  
9 heard within the wilderness area;

10 (2) flight testing and evaluation; or

11 (3) the designation or creation of new units of  
12 special use airspace, or the establishment of military,  
13 law enforcement, or emergency medical services  
14 flight training routes, over the wilderness area.

15 **SEC. 305. RELEASE OF WILDERNESS STUDY AREAS.**

16 (a) **FINDING.**—Congress finds that, for the purposes  
17 of section 603 of the Federal Land Policy and Manage-  
18 ment Act of 1976 (43 U.S.C. 1782), the Bureau of Land  
19 Management land in any portion of the wilderness study  
20 areas located within the Conservation Area not designated  
21 as a wilderness area has been adequately studied for wil-  
22 derness designation.

23 (b) **RELEASE.**—Any Bureau of Land Management  
24 land described in subsection (a) that is not designated as  
25 a wilderness area—

1 (1) is no longer subject to section 603(c) of the  
2 Federal Land Policy and Management Act of 1976  
3 (43 U.S.C. 1782(c));

4 (2) shall be managed in accordance with—

5 (A) the land management plans adopted  
6 under section 202 of that Act (43 U.S.C.  
7 1712); and

8 (B) cooperative conservation agreements in  
9 existence on the date of the enactment of this  
10 Act; and

11 (3) shall be subject to the Endangered Species  
12 Act of 1973 (16 U.S.C. 1531 et seq.).

13 **SEC. 306. NATIVE AMERICAN CULTURAL AND RELIGIOUS**  
14 **USES.**

15 Nothing in this title diminishes—

16 (1) the rights of any Indian tribe; or

17 (2) tribal rights regarding access to Federal  
18 land for tribal activities, including spiritual, cultural,  
19 and traditional food-gathering activities.

20 **SEC. 307. WILDLIFE, WILDFIRE, INSECT, AND DISEASE MAN-**  
21 **AGEMENT; DATA COLLECTION.**

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 title 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.—

4 (1) IN GENERAL.—In furtherance of the pur-  
5 poses and principles of the Wilderness Act (16  
6 U.S.C. 1131 et seq.), management activities to  
7 maintain or restore fish and wildlife populations and  
8 the habitats to support the populations may be car-  
9 ried out within the wilderness areas, if the activi-  
10 ties—

11 (A) are consistent with relevant wilderness  
12 management plans; and

13 (B) are carried out in accordance with ap-  
14 propriate policies, such as those set forth in Ap-  
15 pendix B of House Report 101–405.

16 (2) USE OF MOTORIZED VEHICLES.—The man-  
17 agement activities under paragraph (1) may include  
18 the occasional and temporary use of motorized vehi-  
19 cles, if the use, as determined by the Secretary,  
20 would—

21 (A) promote healthy, viable, and more nat-  
22 urally distributed wildlife populations that  
23 would enhance wilderness values; and

1 (B) accomplish the purposes described in  
2 subparagraph (A) with the minimum impact  
3 necessary to reasonably accomplish the task.

4 (c) EXISTING ACTIVITIES.—Consistent with section  
5 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and  
6 in accordance with appropriate policies such as those set  
7 forth in Appendix B of House Report 101–405, the State  
8 may continue to use aircraft (including helicopters) to sur-  
9 vey, capture, transplant, monitor, and provide water for  
10 wildlife populations, including bighorn sheep, and feral  
11 stock, horses, and burros.

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

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

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

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

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

7           (2) CONSULTATION.—Except in emergencies,  
8           the Secretary shall consult with the appropriate  
9           State agency before promulgating regulations under  
10          paragraph (1).

11          (f) COOPERATIVE AGREEMENT.—The State, includ-  
12          ing a designee of the State, may conduct wildlife manage-  
13          ment activities in the wilderness areas—

14                (1) in accordance with the terms and conditions  
15                specified in the cooperative agreement between the  
16                Secretary and the State entitled “Memorandum of  
17                Understanding between the Bureau of Land Man-  
18                agement and the Nevada Department of Wildlife  
19                Supplement No. 9” and signed November and De-  
20                cember 2003, including any amendments to the co-  
21                operative agreement agreed to by the Secretary and  
22                the State; and

23                (2) subject to all applicable laws (including reg-  
24                ulations).

1 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-  
2 MENT.—

3 (1) IN GENERAL.—In accordance with section  
4 4(d)(1) of the Wilderness Act (16 U.S.C.  
5 1133(d)(1)), the Secretary may take such measures  
6 in each wilderness area as the Secretary determines  
7 to be necessary for the control of fire, insects, and  
8 diseases (including, as the Secretary determines to  
9 be appropriate, the coordination of the activities  
10 with a State or local agency).

11 (2) EFFECT.—Nothing in this Act precludes a  
12 Federal, State, or local agency from conducting wild-  
13 fire management operations (including operations  
14 using aircraft or mechanized equipment) in accord-  
15 ance with section 4(d)(1) of the Wilderness Act (16  
16 U.S.C. 1133(d)(1)).

17 (h) DATA COLLECTION.—Subject to such terms and  
18 conditions as the Secretary may require, nothing in this  
19 title precludes the installation and maintenance of hydro-  
20 logic, meteorologic, or climatological collection devices in  
21 the wilderness areas if the facilities and access to the fa-  
22 cilities are essential to flood warning, flood control, and  
23 water reservoir operation activities.

1 **SEC. 308. NATIONAL PARK SYSTEM LAND.**

2 To the extent any of the provisions of this title are  
3 in conflict with laws (including regulations) or manage-  
4 ment policies applicable to Federal land within the Lake  
5 Mead National Recreation Area designated as a wilderness  
6 area, the laws (including regulations) or policies shall con-  
7 trol.

8 **TITLE IV—GENERAL**  
9 **PROVISIONS**

10 **SEC. 401. TERMINATION OF WITHDRAWAL OF BUREAU OF**  
11 **LAND MANAGEMENT LAND.**

12 (a) **TERMINATION OF WITHDRAWAL.**—The with-  
13 drawal of the parcels of Bureau of Land Management land  
14 described in subsection (b) for use by the Bureau of Rec-  
15 lamation is terminated.

16 (b) **DESCRIPTION OF LAND.**—The parcels of land re-  
17 ferred to in subsection (a) consist of the Bureau of Land  
18 Management land identified on the Map as “Transfer  
19 from BOR to BLM”.

20 (c) **MAP AND LEGAL DESCRIPTION.**—

21 (1) **IN GENERAL.**—As soon as practicable after  
22 the date of enactment of this Act, the Secretary  
23 shall finalize the legal description of the land revert-  
24 ing to the Bureau of Land Management under sub-  
25 section (a).

1           (2) MINOR ERRORS.—The Secretary may cor-  
2       rect any minor error in—

3                   (A) the Map; or

4                   (B) the legal description.

5           (3) AVAILABILITY.—The Map and legal descrip-  
6       tion shall be on file and available for public inspec-  
7       tion in the appropriate offices of the Bureau of  
8       Land Management and the Bureau of Reclamation.

9       **SEC. 402. RELATIONSHIP TO CLARK COUNTY MULTI-SPE-**  
10                   **CIES HABITAT CONSERVATION PLAN.**

11       (a) AMENDMENT TO PLAN.—The Secretary shall  
12       credit, on an acre-for-acre basis, approximately 124,000  
13       acres of multiple use lands being conserved under this Act  
14       toward the development of additional non-Federal land  
15       within the County through an amendment to the Clark  
16       County Multi-Species Habitat Conservation Plan.

17       (b) CONSERVATION MANAGEMENT AREAS.—The Sec-  
18       retary shall credit the Conservation Area and the wilder-  
19       ness areas as Conservation Management Areas, as may  
20       be required by the Clark County Multi-Species Habitat  
21       Conservation Plan (including amendments to the plan).

22       (c) CONSERVATION MANAGEMENT AREAS.—Nothing  
23       in this Act otherwise limits, alters, modifies, or amends  
24       the Clark County Multi-Species Habitat Conservation  
25       Plan with respect to the Conservation Area and the wilder-

1 ness areas, including the specific management actions con-  
2 tained in the Clark County Multi-Species Habitat Con-  
3 servation Plan for the conservation of perennial springs.

4 (d) **MANAGEMENT PLAN.**—In developing the man-  
5 agement plan, to the extent consistent with this section,  
6 the Secretary may incorporate any provision of the Clark  
7 County Multi-Species Habitat Conservation Plan.

8 **SEC. 403. MOTORIZED VEHICLES.**

9 (a) **IN GENERAL.**—The use of motorized vehicles  
10 shall be permitted on designated routes.

11 (b) **EXCEPTIONS.**—In cases which motorized vehicles  
12 are required to respond to an emergency, or for adminis-  
13 trative purposes, the use of vehicles shall be permitted be-  
14 yond designated routes.

15 (c) **NOTICE.**—The Secretary shall provide informa-  
16 tion to the public regarding any designated routes that  
17 are open, have been rerouted, or are temporarily closed  
18 through—

19 (1) use of appropriate signage within the Con-  
20 servation Area; and

21 (2) the distribution of maps, safety education  
22 materials, law enforcement, and other information  
23 considered to be appropriate by the Secretary.

24 (d) **NO EFFECT ON NON-FEDERAL LAND OR INTER-**  
25 **ESTS IN NON-FEDERAL LAND.**—Nothing in this section

1 affects ownership, management, or other rights relating  
2 to non-Federal land or interests in non-Federal land.

3 (e) MAP ON FILE.—The Secretary shall keep a cur-  
4 rent map on file at the appropriate offices of the Bureau  
5 of Land Management.

