

112TH CONGRESS
1ST SESSION

S. _____

To convey certain land to Clark County, Nevada, to designate the Nellis Dunes National Off-Highway Vehicle Recreation Area, 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 convey certain land to Clark County, Nevada, to designate the Nellis Dunes National Off-Highway Vehicle Recreation Area, 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.**

4 This Act may be cited as the “Nellis Dunes National
5 Off-Highway Vehicle Recreation Area Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CITY.—The term “City” means the city of
9 North Las Vegas, Nevada.

1 (2) COUNTY.—The term “County” means Clark
2 County, Nevada.

3 (3) ECONOMIC SUPPORT AREA.—The term
4 “Economic Support Area” means the land identified
5 on the map as the “Economic Support Area”.

6 (4) FEDERAL LAND.—The term “Federal land”
7 means the approximately 1,211 acres of Federal
8 land in the County, as depicted on the map.

9 (5) MAP.—The term “map” means the map en-
10 titled “Clark County Off Highway Vehicle Recre-
11 ation Park” and dated July 28, 2011.

12 (6) NET PROCEEDS.—The term “net proceeds”
13 means the amount that is equal to the difference be-
14 tween—

15 (A) the amount of gross revenues received
16 by the County from the development of the
17 Economic Support Area; and

18 (B) the total amount expended by the
19 County for capital improvements to each of the
20 Economic Support Area and the Recreation
21 Area.

22 (7) RECREATION AREA.—The term “Recreation
23 Area” means the Nellis Dunes National Off-High-
24 way Vehicle Recreation Area designated by section
25 4(a).

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (9) STATE.—The term “State” means the State
4 of Nevada.

5 **SEC. 3. CONVEYANCE OF FEDERAL LAND TO CLARK COUN-**
6 **TY, NEVADA.**

7 (a) CONVEYANCE.—As soon as practicable after the
8 date of enactment of this Act, the Secretary shall convey
9 to the County, subject to valid existing rights, for no con-
10 sideration, all right, title, and interest of the United States
11 in and to the parcels of Federal land.

12 (b) USE OF FEDERAL LAND.—

13 (1) IN GENERAL.—The parcels of Federal land
14 conveyed under subsection (a)—

15 (A) shall be used by the County—

16 (i) to provide a suitable location for
17 the establishment of a centralized off-road
18 vehicle recreation park in the County;

19 (ii) to provide the public with opportu-
20 nities for off-road vehicle recreation, in-
21 cluding a location for races, competitive
22 events, training and other commercial serv-
23 ices that directly support a centralized off-
24 road vehicle recreation area and County
25 park; and

1 (iii) to provide a designated area and
 2 facilities that would discourage unauthor-
 3 ized use of off-highway vehicles in areas
 4 that have been identified by the Federal
 5 Government, State government, or County
 6 government as containing environmentally
 7 sensitive land; and

8 (B) shall not be disposed of by the County.

9 (2) REVERSION.—If the County ceases to use
 10 any parcel of the Federal land for the purposes de-
 11 scribed in paragraph (1)(A) or paragraph (3)—

12 (A) title to the parcel shall revert to the
 13 United States, at the option of the United
 14 States; and

15 (B) the County shall be responsible for any
 16 reclamation necessary to revert the parcel to
 17 the United States.

18 (3) RENEWABLE AND SOLAR ENERGY.—The
 19 Federal land conveyed to the County under sub-
 20 section (a) and the land conveyed to the County
 21 under section 1(c) of Public Law 107–350 (116
 22 Stat. 2975) may be used for the incidental purpose
 23 of generating renewable energy and solar energy for
 24 use by the Clark County Off Highway Vehicle Recre-

1 ation Park, the shooting park authorized under Pub-
2 lic Law 107–350 (116 Stat. 2975), and the County.

3 (4) CONSULTATION WITH THE SECRETARY OF
4 THE AIR FORCE.—

5 (A) RESTRICTION.—Any project authorized
6 under paragraph (3) shall not interfere with the
7 national security mission of Nellis Air Force
8 Base (or any military operation).

9 (B) CONDITION.—Before the construction
10 of any proposed project under paragraph (3),
11 the project proponent shall consult with the
12 Secretary of Defense (or a designee).

13 (c) ECONOMIC SUPPORT AREA.—

14 (1) DESIGNATION.—There is designated the
15 Economic Support Area.

16 (2) INTERLOCAL AGREEMENT.—

17 (A) IN GENERAL.—Before the Economic
18 Support Area may be developed, the City and
19 County shall enter into an interlocal agreement
20 regarding the development of the Economic
21 Support Area.

22 (B) CITY OF NORTH LAS VEGAS.—As a
23 precondition of the development of the Eco-
24 nomic Support Area, the County shall use the
25 best efforts of the County to cooperate with the

1 City to ensure compatible development of the
2 Economic Support Area.

3 (C) LIMITATION OF AGREEMENT.—In no
4 case shall the interlocal agreement under this
5 paragraph compromise or interfere with the
6 aviation rights provided under subsection (f)
7 and section 4(d).

8 (D) FUTURE CONVEYANCES.—Any future
9 conveyance of Federal land for addition to the
10 Clark County Off-Highway Vehicle Park or the
11 Recreation Area shall be subject to—

12 (i) the binding interlocal agreement
13 under this paragraph; and

14 (ii) the aviation easement require-
15 ments under subsection (f).

16 (E) MANAGEMENT PLAN.—The Secretary,
17 in consultation with the Secretary of the Air
18 Force and the County, may develop a special
19 management plan for the Federal land—

20 (i) to enhance public safety and safe
21 off-highway recreation use; and

22 (ii) to ensure compatible development
23 with the mission requirements of the Nellis
24 Air Force Base.

1 (3) USE OF NET PROCEEDS.—Of the net pro-
2 ceeds from the development of the Economic Sup-
3 port Area, the County shall—

4 (A) deposit 50 percent in a special account
5 in the Treasury, to be used by the Secretary to
6 develop, maintain, and operate the Recreation
7 Area; and

8 (B) retain 50 percent, to be used by the
9 County for capital improvements and maintain-
10 ing and operating the park established under
11 subsection (b)(1).

12 (d) AGREEMENT WITH NELLIS AIR FORCE BASE.—

13 (1) IN GENERAL.—Before the Federal land may
14 be conveyed to the County under subsection (a), the
15 Clark County Board of Commissioners, the Bureau
16 of Land Management, and Nellis Air Force Base
17 shall enter into an interlocal agreement for the Fed-
18 eral land and the Recreation Area—

19 (A) to enhance safe off-highway recreation
20 use; and

21 (B) to ensure that development of the Fed-
22 eral land is consistent with the long-term mis-
23 sion requirements of Nellis Air Force Base

24 (2) LIMITATION.—The use of the Federal land
25 conveyed under subsection (a) shall not compromise

1 the national security mission or aviation rights of
2 Nellis Air Force Base.

3 (e) ADDITIONAL TERMS AND CONDITIONS.—With re-
4 spect to the conveyance of Federal land under subsection
5 (a), the Secretary may require such additional terms and
6 conditions as the Secretary considers to be appropriate to
7 protect the interests of the United States.

8 (f) AVIATION EASEMENT.—

9 (1) IN GENERAL.—Each deed entered into for
10 the conveyance of the Federal land shall contain a
11 perpetual aviation easement reserving to the United
12 States all rights necessary to preserve free and un-
13 obstructed overflight in and through the airspace
14 above, over, and across the surface of the Federal
15 land for the passage of aircraft owned or operated
16 by any Federal agency or other Federal entity.

17 (2) REQUIREMENTS.—Each easement described
18 in paragraph (1) shall include such terms and condi-
19 tions as the Secretary of the Air Force determines
20 to be necessary to comply with paragraph (1).

21 **SEC. 4. DESIGNATION OF THE NELLIS DUNES NATIONAL**
22 **OFF-HIGHWAY VEHICLE RECREATION AREA.**

23 (a) IN GENERAL.—The area known as “Nellis
24 Dunes” in the Bureau of Land Management Resource
25 Management Plan shall be known and designated as the

1 “Nellis Dunes National Off-Highway Vehicle Recreation
2 Area”.

3 (b) MANAGEMENT PLAN.—The Director of the Bu-
4 reau of Land Management may develop a special manage-
5 ment plan for the Recreation Area to enhance the safe
6 use of off-highway vehicles for recreational purposes.

7 (c) EXCLUSION FROM NATIONAL LANDSCAPE CON-
8 SERVATION SYSTEM.—The Recreation Area shall not be
9 considered to be a unit of the National Landscape Con-
10 servation System.

11 (d) AVIATION RIGHTS.—The aviation rights de-
12 scribed in section 3(f) shall apply to the Recreation Area.

13 **SEC. 5. WITHDRAWAL AND RESERVATION OF LAND FOR**
14 **NELLIS AIR FORCE BASE.**

15 (a) WITHDRAWAL.—Subject to valid existing rights
16 and except as otherwise provided in this section—

17 (1) the Federal land and interests in Federal
18 land identified on the map as land to be withdrawn
19 for Nellis Air Force Base are withdrawn from all
20 forms of appropriation under the general land laws,
21 including the mining, mineral leasing, and geo-
22 thermal leasing laws; and

23 (2) jurisdiction over the land and interest in
24 lands withdrawn and reserved by this section is
25 transferred to the Secretary of the Air Force.

1 (b) RESERVATION.—The land withdrawn under sub-
2 section (a) is reserved for use by the Secretary of the Air
3 Force for—

4 (1) the enlargement and protection of Nellis Air
5 Force Base; or

6 (2) other defense-related purposes consistent
7 with the purposes of this section.

8 (c) CHANGES IN USE.—The Secretary of the Air
9 Force shall consult with the Secretary before using the
10 land withdrawn and reserved by this section for any pur-
11 pose other than the purposes described in section 3(b).

12 (d) EASEMENT.—The United States reserves—

13 (1) a right of flight for the passage of aircraft
14 in the airspace above the surface of the Federal land
15 conveyed to the County; and

16 (2) the right to cause in the airspace any noise,
17 vibration, smoke, or other effects that may be inher-
18 ent in the operation of aircraft landing at, or taking
19 off from, Nellis Air Force Base.