

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for certain land conveyances in Lyon  
County, Nevada.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 2569**

To provide an incentive for businesses to bring jobs back  
to America.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HELLER

Viz:

1 At the end, add the following:

2 **TITLE II—LYON COUNTY**

3 **ECONOMIC DEVELOPMENT**

4 **SEC. 201. LAND CONVEYANCE TO YERINGTON, NEVADA.**

5 (a) DEFINITIONS.—In this section:

6 (1) CITY.—The term “City” means the city of  
7 Yerington, Nevada.

8 (2) FEDERAL LAND.—The term “Federal land”  
9 means the land located in Lyon County and Mineral  
10 County, Nevada, that is identified on the map as  
11 “City of Yerington Sustainable Development Con-  
12 veyance Lands”.

1           (3) MAP.—The term “map” means the map en-  
2           titled “Yerington Land Conveyance” and dated De-  
3           cember 19, 2012.

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

6           (b) CONVEYANCES OF LAND TO CITY OF YERINGTON,  
7           NEVADA.—

8           (1) IN GENERAL.—Not later than 180 days  
9           after the date of enactment of this Act, subject to  
10          valid existing rights and to such terms and condi-  
11          tions as the Secretary determines to be necessary  
12          and notwithstanding the land use planning require-  
13          ments of sections 202 and 203 of the Federal Land  
14          Policy and Management Act of 1976 (43 U.S.C.  
15          1712, 1713), the Secretary shall convey to the City,  
16          subject to the agreement of the City, all right, title,  
17          and interest of the United States in and to the Fed-  
18          eral land identified on the map.

19          (2) APPRAISAL TO DETERMINE FAIR MARKET  
20          VALUE.—The Secretary shall determine the fair  
21          market value of the Federal land to be conveyed—

22                 (A) in accordance with the Federal Land  
23                 Policy and Management Act of 1976 (43 U.S.C.  
24                 1701 et seq.); and

1 (B) based on an appraisal that is con-  
2 ducted in accordance with—

3 (i) the Uniform Appraisal Standards  
4 for Federal Land Acquisition; and

5 (ii) the Uniform Standards of Profes-  
6 sional Appraisal Practice.

7 (3) AVAILABILITY OF MAP.—The map shall be  
8 on file and available for public inspection in the ap-  
9 propriate offices of the Bureau of Land Manage-  
10 ment.

11 (4) APPLICABLE LAW.—Beginning on the date  
12 on which the Federal land is conveyed to the City,  
13 the development of and conduct of activities on the  
14 Federal land shall be subject to all applicable Fed-  
15 eral laws (including regulations).

16 (5) COSTS.—As a condition of the conveyance  
17 of the Federal land under paragraph (1), the City  
18 shall pay—

19 (A) an amount equal to the appraised  
20 value determined in accordance with paragraph  
21 (2); and

22 (B) all costs related to the conveyance, in-  
23 cluding all surveys, appraisals, and other ad-  
24 ministrative costs associated with the convey-

1           ance of the Federal land to the City under  
 2           paragraph (1).

3 **SEC. 202. WOVOKA WILDERNESS.**

4           (a) FINDINGS.—Congress finds that—

5                 (1) the area designated as the Wovoka Wilder-  
 6           ness by this section contains unique and spectacular  
 7           natural resources, including—

8                         (A) priceless habitat for numerous species  
 9                         of plants and wildlife;

10                        (B) thousands of acres of land that remain  
 11                        in a natural state; and

12                        (C) habitat important to the continued  
 13                        survival of the population of the greater sage  
 14                        grouse of western Nevada and eastern Cali-  
 15                        fornia (referred to in this section as the “Bi-  
 16                        State population of greater sage-grouse”);

17                 (2) continued preservation of those areas would  
 18           benefit the County and all of the United States by—

19                         (A) ensuring the conservation of eco-  
 20                         logically diverse habitat;

21                         (B) protecting prehistoric cultural re-  
 22                         sources;

23                         (C) conserving primitive recreational re-  
 24                         sources;

25                         (D) protecting air and water quality; and

1 (E) protecting and strengthening the Bi-  
2 State population of greater sage-grouse; and

3 (3) the Secretary of Agriculture should collabo-  
4 rate with the Lyon County Commission and the local  
5 community on wildfire and forest management plan-  
6 ning and implementation with the goal of preventing  
7 catastrophic wildfire and resource damage.

8 (b) DEFINITIONS.—In this section:

9 (1) COUNTY.—The term “County” means Lyon  
10 County, Nevada.

11 (2) MAP.—The term “map” means the map en-  
12 titled “Wovoka Wilderness Area” and dated Decem-  
13 ber 18, 2012.

14 (3) SECRETARY.—The term “Secretary” means  
15 the Secretary of Agriculture.

16 (4) STATE.—The term “State” means the State  
17 of Nevada.

18 (5) WILDERNESS.—The term “Wilderness”  
19 means the Wovoka Wilderness designated by sub-  
20 section (c)(1).

21 (c) ADDITIONS TO NATIONAL WILDERNESS PRESER-  
22 VATION SYSTEM.—

23 (1) DESIGNATION.—In furtherance of the pur-  
24 poses of the Wilderness Act (16 U.S.C. 1131 et  
25 seq.), the Federal land managed by the Forest Serv-

1 ice, as generally depicted on the Map, is designated  
2 as wilderness and as a component of the National  
3 Wilderness Preservation System, to be known as the  
4 “Wovoka Wilderness”.

5 (2) BOUNDARY.—The boundary of any portion  
6 of the Wilderness that is bordered by a road shall  
7 be 150 feet from the centerline of the road.

8 (3) MAP AND LEGAL DESCRIPTION.—

9 (A) IN GENERAL.—As soon as practicable  
10 after the date of enactment of this Act, the Sec-  
11 retary shall prepare a map and legal description  
12 of the Wilderness.

13 (B) EFFECT.—The map and legal descrip-  
14 tion prepared under subparagraph (A) shall  
15 have the same force and effect as if included in  
16 this section, except that the Secretary may cor-  
17 rect any clerical and typographical errors in the  
18 map or legal description.

19 (C) AVAILABILITY.—Each map and legal  
20 description prepared under subparagraph (A)  
21 shall be on file and available for public inspec-  
22 tion in the appropriate offices of the Forest  
23 Service.

24 (4) WITHDRAWAL.—Subject to valid existing  
25 rights, the Wilderness is withdrawn from—

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

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

5 (C) disposition under all laws relating to  
6 mineral and geothermal leasing or mineral ma-  
7 terials.

8 (d) ADMINISTRATION.—

9 (1) MANAGEMENT.—Subject to valid existing  
10 rights, the Wilderness shall be administered by the  
11 Secretary in accordance with the Wilderness Act (16  
12 U.S.C. 1131 et seq.), except that any reference in  
13 that Act to the effective date shall be considered to  
14 be a reference to the date of enactment of this Act.

15 (2) LIVESTOCK.—The grazing of livestock in  
16 the Wilderness, if established before the date of en-  
17 actment of this Act, shall be allowed to continue,  
18 subject to such reasonable regulations, policies, and  
19 practices as the Secretary considers to be necessary,  
20 in accordance with—

21 (A) section 4(d)(4) of the Wilderness Act  
22 (16 U.S.C. 1133(d)(4)); and

23 (B) the guidelines set forth in Appendix A  
24 of the report of the Committee on Interior and  
25 Insular Affairs of the House of Representatives

1 accompanying H.R. 2570 of the 101st Congress  
2 (House Report 101–405).

3 (3) INCORPORATION OF ACQUIRED LAND AND  
4 INTERESTS.—Any land or interest in land within the  
5 boundary of the Wilderness that is acquired by the  
6 United States after the date of enactment of this  
7 Act shall be added to and administered as part of  
8 the Wilderness.

9 (4) ADJACENT MANAGEMENT.—

10 (A) IN GENERAL.—Congress does not in-  
11 tend for the designation of the Wilderness to  
12 create a protective perimeter or buffer zone  
13 around the Wilderness.

14 (B) NONWILDERNESS ACTIVITIES.—The  
15 fact that nonwilderness activities or uses can be  
16 seen or heard from areas within the Wilderness  
17 shall not preclude the conduct of the activities  
18 or uses outside the boundary of the Wilderness.

19 (5) OVERFLIGHTS.—

20 (A) MILITARY OVERFLIGHTS.—Nothing in  
21 this title restricts or precludes—

22 (i) low-level overflights of military air-  
23 craft over the Wilderness, including mili-  
24 tary overflights that can be seen or  
25 heard within the Wilderness;



1 (ii) flight testing and evaluation; or  
2 (iii) the designation or creation of new  
3 units of special airspace, or the establish-  
4 ment of military flight training routes, over  
5 the Wilderness.

6 (B) EXISTING AIRSTRIPS.—Nothing in this  
7 title restricts or precludes low-level overflights  
8 by aircraft originating from airstrips in exist-  
9 ence on the date of enactment of this Act that  
10 are located within 5 miles of the proposed  
11 boundary of the Wilderness.

12 (6) WILDFIRE, INSECT, AND DISEASE MANAGE-  
13 MENT.—In accordance with section 4(d)(1) of the  
14 Wilderness Act (16 U.S.C. 1133(d)(1)), the Sec-  
15 retary may take any measures in the Wilderness  
16 that the Secretary determines to be necessary for  
17 the control of fire, insects, and diseases, including,  
18 as the Secretary determines to be appropriate, the  
19 coordination of the activities with a State or local  
20 agency.

21 (7) WATER RIGHTS.—

22 (A) FINDINGS.—Congress finds that—

23 (i) the Wilderness is located—

24 (I) in the semiarid region of the  
25 Great Basin; and

1 (II) at the headwaters of the  
2 streams and rivers on land with re-  
3 spect to which there are few—

4 (aa) actual or proposed  
5 water resource facilities located  
6 upstream; and

7 (bb) opportunities for diver-  
8 sion, storage, or other uses of  
9 water occurring outside the land  
10 that would adversely affect the  
11 wilderness values of the land;

12 (ii) the Wilderness is generally not  
13 suitable for use or development of new  
14 water resource facilities; and

15 (iii) because of the unique nature of  
16 the Wilderness, it is possible to provide for  
17 proper management and protection of the  
18 wilderness and other values of land in ways  
19 different from those used in other laws.

20 (B) PURPOSE.—The purpose of this para-  
21 graph is to protect the wilderness values of the  
22 Wilderness by means other than a federally re-  
23 served water right.

24 (C) STATUTORY CONSTRUCTION.—Nothing  
25 in this paragraph—

1 (i) constitutes an express or implied  
2 reservation by the United States of any  
3 water or water rights with respect to the  
4 Wilderness;

5 (ii) affects any water rights in the  
6 State (including any water rights held by  
7 the United States) in existence on the date  
8 of enactment of this Act;

9 (iii) establishes a precedent with re-  
10 gard to any future wilderness designations;

11 (iv) affects the interpretation of, or  
12 any designation made under, any other  
13 Act; or

14 (v) limits, alters, modifies, or amends  
15 any interstate compact or equitable appor-  
16 tionment decree that apportions water  
17 among and between the State and other  
18 States.

19 (D) NEVADA WATER LAW.—The Secretary  
20 shall follow the procedural and substantive re-  
21 quirements of State law in order to obtain and  
22 hold any water rights not in existence on the  
23 date of enactment of this Act with respect to  
24 the Wilderness.

25 (E) NEW PROJECTS.—

1 (i) DEFINITION OF WATER RESOURCE  
2 FACILITY.—

3 (I) IN GENERAL.—In this sub-  
4 paragraph, the term “water resource  
5 facility” means irrigation and pump-  
6 ing facilities, reservoirs, water con-  
7 servation works, aqueducts, canals,  
8 ditches, pipelines, wells, hydropower  
9 projects, transmission and other ancil-  
10 lary facilities, and other water diver-  
11 sion, storage, and carriage structures.

12 (II) EXCLUSION.—In this sub-  
13 paragraph, the term “water resource  
14 facility” does not include wildlife guz-  
15 zlers.

16 (ii) RESTRICTION ON NEW WATER RE-  
17 SOURCE FACILITIES.—

18 (I) IN GENERAL.—Except as oth-  
19 erwise provided in this section, on or  
20 after the date of enactment of this  
21 Act, no officer, employee, or agent of  
22 the United States shall fund, assist,  
23 authorize, or issue a license or permit  
24 for the development of any new water  
25 resource facility within the Wilder-

1                   ness, any portion of which is located  
2                   in the County.

3                   (II) EXCEPTION.—If a permittee  
4                   within the Bald Mountain grazing al-  
5                   lotment submits an application for the  
6                   development of water resources for  
7                   the purpose of livestock watering by  
8                   the date that is 10 years after the  
9                   date of enactment of this Act, the  
10                  Secretary shall issue a water develop-  
11                  ment permit within the non-wilderness  
12                  boundaries of the Bald Mountain  
13                  grazing allotment for the purposes of  
14                  carrying out activities under para-  
15                  graph (2).

16                  (8) NONWILDERNESS ROADS.—Nothing in this  
17                  title prevents the Secretary from implementing or  
18                  amending a final travel management plan.

19                  (e) WILDLIFE MANAGEMENT.—

20                  (1) IN GENERAL.—In accordance with section  
21                  4(d)(7) of the Wilderness Act (16 U.S.C.  
22                  1133(d)(7)), nothing in this section affects or dimin-  
23                  ishes the jurisdiction of the State with respect to  
24                  fish and wildlife management, including the regula-

1       tion of hunting, fishing, and trapping, in the Wilder-  
2       ness.

3               (2) MANAGEMENT ACTIVITIES.—In furtherance  
4       of the purposes and principles of the Wilderness Act  
5       (16 U.S.C. 1131 et seq.), the Secretary may conduct  
6       any management activities in the Wilderness that  
7       are necessary to maintain or restore fish and wildlife  
8       populations and the habitats to support the popu-  
9       lations, if the activities are carried out—

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

12               (B) in accordance with—

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

15                       (ii) appropriate policies, such as those  
16       set forth in Appendix B of the report of  
17       the Committee on Interior and Insular Af-  
18       fairs of the House of Representatives ac-  
19       companying H.R. 2570 of the 101st Con-  
20       gress (House Report 101–405), including  
21       the occasional and temporary use of motor-  
22       ized vehicles and aircraft, if the use, as de-  
23       termined by the Secretary, would promote  
24       healthy, viable, and more naturally distrib-  
25       uted wildlife populations that would en-

1           hance wilderness values with the minimal  
2           impact necessary to reasonably accomplish  
3           those tasks.

4           (3) EXISTING ACTIVITIES.—Consistent with  
5           section 4(d)(1) of the Wilderness Act (16 U.S.C.  
6           1133(d)(1)) and in accordance with appropriate poli-  
7           cies such as those set forth in Appendix B of House  
8           Report 101–405, the State may continue to use air-  
9           craft, including helicopters, to survey, capture,  
10          transplant, monitor, and provide water for wildlife  
11          populations in the Wilderness.

12          (4) HUNTING, FISHING, AND TRAPPING.—

13           (A) IN GENERAL.—The Secretary may des-  
14           ignate areas in which, and establish periods  
15           during which, for reasons of public safety, ad-  
16           ministration, or compliance with applicable  
17           laws, no hunting, fishing, or trapping will be  
18           permitted in the Wilderness.

19           (B) CONSULTATION.—Except in emer-  
20           gencies, the Secretary shall consult with the ap-  
21           propriate State agency and notify the public be-  
22           fore making any designation under paragraph  
23           (1).

1           (5) AGREEMENT.—The State, including a des-  
2           ignee of the State, may conduct wildlife management  
3           activities in the Wilderness—

4                   (A) in accordance with the terms and con-  
5                   ditions specified in the cooperative agreement  
6                   between the Secretary and the State entitled  
7                   “Memorandum of Understanding: Inter-  
8                   mountain Region USDA Forest Service and the  
9                   Nevada Department of Wildlife State of Ne-  
10                  vada” and signed by the designee of the State  
11                  on February 6, 1984, and by the designee of  
12                  the Secretary on January 24, 1984, including  
13                  any amendments, appendices, or additions to  
14                  the agreement agreed to by the Secretary and  
15                  the State or a designee; and

16                   (B) subject to all applicable laws (including  
17                   regulations).

18           (f) WILDLIFE WATER DEVELOPMENT PROJECTS.—  
19           Subject to subsection (d), the Secretary shall authorize  
20           structures and facilities, including existing structures and  
21           facilities, for wildlife water development projects (includ-  
22           ing guzzlers) in the Wilderness if—

23                   (1) the structures and facilities will, as deter-  
24                   mined by the Secretary, enhance wilderness values



1 by promoting healthy, viable, and more naturally  
2 distributed wildlife populations; and

3 (2) the visual impacts of the structures and fa-  
4 cilities on the Wilderness can reasonably be mini-  
5 mized.

6 **SEC. 203. WITHDRAWAL.**

7 (a) DEFINITION OF WITHDRAWAL AREA.—In this  
8 section, the term “Withdrawal Area” means the land ad-  
9 ministered by the Forest Service and identified as “With-  
10 drawal Area” on the map described in section 202(b)(2).

11 (b) WITHDRAWAL.—Subject to valid existing rights,  
12 all Federal land within the Withdrawal Area is withdrawn  
13 from all forms of—

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 laws, geothermal  
19 leasing laws, and mineral materials laws.

20 (c) MOTORIZED AND MECHANICAL VEHICLES.—

21 (1) IN GENERAL.—Subject to paragraph (2),  
22 use of motorized and mechanical vehicles in the  
23 Withdrawal Area shall be permitted only on roads  
24 and trails designated for the use of those vehicles,  
25 unless the use of those vehicles is needed—

1 (A) for administrative purposes; or

2 (B) to respond to an emergency.

3 (2) EXCEPTION.—Paragraph (1) does not apply

4 to aircraft (including helicopters).

5 **SEC. 204. NATIVE AMERICAN CULTURAL AND RELIGIOUS**

6 **USES.**

7 Nothing in this title alters or diminishes the treaty

8 rights of any Indian tribe.