

118TH CONGRESS
2D SESSION

S. 4848

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2024

Ms. ROSEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pershing County Economic Development and Conserva-
6 tion Act”.

7 (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—CHECKERBOARD LAND RESOLUTION

- Sec. 101. Findings.
 Sec. 102. Definitions.
 Sec. 103. Sale or exchange of eligible land.
 Sec. 104. Sale of encumbered land.
 Sec. 105. Disposition of proceeds.

TITLE II—WILDERNESS AREAS

- Sec. 201. Additions to the National Wilderness Preservation System.
 Sec. 202. Administration.
 Sec. 203. Wildlife management.
 Sec. 204. Release of wilderness study areas.
 Sec. 205. Native American cultural and religious uses.

TITLE III—TRIBAL TRUST LAND

- Sec. 301. Transfer of land to be held in trust for the Lovelock Paiute Tribe.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNTY.—The term “County” means Per-
 4 shing 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 (4) WILDERNESS AREA.—The term “wilderness
 10 area” means a wilderness area designated by section
 11 201(a).

12 **TITLE I—CHECKERBOARD LAND**
 13 **RESOLUTION**

14 **SEC. 101. FINDINGS.**

15 Congress finds that—

16 (1) since the passage of the Act of July 1, 1862
 17 (12 Stat. 489, chapter 120) (commonly known as

1 the “Pacific Railway Act of 1862”), under which
2 railroad land grants along the Union Pacific Rail-
3 road right-of-way created a checkerboard land pat-
4 tern of alternating public land and privately owned
5 land, management of the land in the checkerboard
6 area has been a constant source of frustration for
7 the County government, private landholders in the
8 County, and the Federal Government;

9 (2) management of Federal land in the checker-
10 board area has been costly and difficult for the Fed-
11 eral land management agencies, creating a disincen-
12 tive to manage the land effectively;

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

17 (4) consolidation of appropriate land within the
18 checkerboard area through sales and exchanges for
19 development and Federal management will—

20 (A) help improve the tax base of the Coun-
21 ty; and

22 (B) simplify management for the Federal
23 Government.

24 **SEC. 102. DEFINITIONS.**

25 In this title:

1 (1) ELIGIBLE LAND.—The term “eligible land”
2 means any land administered by the Director of the
3 Bureau of Land Management—

4 (A) that is within the area identified on
5 the Map that is designated for disposal by the
6 Secretary through—

7 (i) the Winnemucca Consolidated Re-
8 source Management Plan; or

9 (ii) any subsequent amendment or re-
10 vision to the management plan that is un-
11 dertaken with full public involvement; and

12 (B) that is not encumbered land.

13 (2) ENCUMBERED LAND.—The term “encum-
14 bered land” means any land administered by the Di-
15 rector of the Bureau of Land Management within
16 the area identified on the Map that is encumbered
17 by mining claims, millsites, or tunnel sites.

18 (3) MAP.—The term “Map” means the map en-
19 titled “Pershing County Checkerboard Lands Reso-
20 lution” and dated July 8, 2024.

21 (4) QUALIFIED ENTITY.—The term “qualified
22 entity” means, with respect to a portion of encum-
23 bered land—

24 (A) the owner of a mining claim, millsite,
25 or tunnel site located on a portion of the en-

1 cumbered land on the date of enactment of this
2 Act; and

3 (B) a successor in interest of an owner de-
4 scribed in subparagraph (A).

5 **SEC. 103. SALE OR EXCHANGE OF ELIGIBLE LAND.**

6 (a) **AUTHORIZATION OF CONVEYANCE.**—Notwith-
7 standing sections 202, 203, 206, and 209 of the Federal
8 Land Policy and Management Act of 1976 (43 U.S.C.
9 1712, 1713, 1716, 1719), as soon as practicable after the
10 date of enactment of this Act, the Secretary, in accordance
11 with this Act and any other applicable law and subject
12 to valid existing rights, shall conduct sales or exchanges
13 of the eligible land as depicted on the Map.

14 (b) **JOINT SELECTION REQUIRED.**—After providing
15 public notice, the Secretary and the County shall jointly
16 select parcels of eligible land to be offered for sale or ex-
17 change under subsection (a).

18 (c) **METHOD OF SALE.**—A sale of eligible land under
19 subsection (a) shall be—

20 (1) consistent with subsections (d) and (f) of
21 section 203 of the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1713);

23 (2) conducted through a competitive bidding
24 process, under which adjoining landowners are of-
25 fered the first option, unless the Secretary deter-

1 mines there are suitable and qualified buyers that
2 are not adjoining landowners; and

3 (3) for not less than fair market value, based
4 on an appraisal in accordance with the Uniform
5 Standards of Professional Appraisal Practice and
6 this Act.

7 (d) LAND EXCHANGES.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act and subject to the
10 joint selection requirements under subsection (b),
11 the Secretary shall offer to exchange all eligible land
12 under this section for private land.

13 (2) ADJACENT LAND.—To the extent prac-
14 ticable, the Secretary shall seek to enter into agree-
15 ments with one or more owners of private land adja-
16 cent to the eligible land for the exchange of the pri-
17 vate land for the eligible land, if the Secretary deter-
18 mines that the exchange would consolidate Federal
19 land ownership and facilitate improved Federal land
20 management.

21 (3) PRIORITY LAND EXCHANGES.—In acquiring
22 private land under this subsection, the Secretary
23 shall give priority to the acquisition of private land
24 in higher-value natural resource areas in the County.

25 (e) MASS APPRAISALS.—

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

4 (A) conduct a mass appraisal of eligible
5 land to be sold or exchanged under this section;

6 (B) prepare an evaluation analysis for each
7 land transaction under this section; and

8 (C) make available to the public the results
9 of the mass appraisals conducted under sub-
10 paragraph (A).

11 (2) USE.—The Secretary may use mass ap-
12 praisals and evaluation analyses conducted under
13 paragraph (1) to facilitate exchanges of eligible land
14 for private land.

15 (f) DEADLINE FOR SALE OR EXCHANGE; EXCLU-
16 SIONS.—

17 (1) DEADLINE.—Not later than 90 days after
18 the date on which the eligible land is jointly selected
19 under subsection (b), the Secretary shall offer for
20 sale or exchange the parcels of eligible land jointly
21 selected under that subsection.

22 (2) POSTPONEMENT OR EXCLUSION.—The Sec-
23 retary or the County may postpone, or exclude from,
24 a sale or exchange of all or a portion of the eligible

1 land jointly selected under subsection (b) for emer-
2 gency ecological or safety reasons.

3 (g) WITHDRAWAL.—

4 (1) IN GENERAL.—Subject to valid existing
5 rights and mining claims, millsites, and tunnel sites,
6 effective on the date on which a parcel of eligible
7 land is jointly selected under subsection (b) for sale
8 or exchange, that parcel is withdrawn from—

9 (A) all forms of entry and appropriation
10 under the public land laws, including the min-
11 ing laws;

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

14 (C) operation of the mineral leasing and
15 geothermal leasing laws.

16 (2) TERMINATION.—The withdrawal of a parcel
17 of eligible land under paragraph (1) shall termi-
18 nate—

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

22 (B) with respect to any parcel of eligible
23 land selected for sale or exchange under sub-
24 section (b) that is not sold or exchanged, not
25 later than 2 years after the date on which the

1 parcel was offered for sale or exchange under
2 this section.

3 (h) MAPS AND LEGAL DESCRIPTIONS.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall finalize maps and legal descriptions of the par-
7 cels of eligible land to be sold or exchanged under
8 this section.

9 (2) AVAILABILITY.—The maps and legal de-
10 scriptions finalized under paragraph (1) shall be on
11 file and available for public inspection in appropriate
12 offices of the Bureau of Land Management.

13 (3) CORRECTIONS.—The Secretary and the
14 County may, by mutual agreement—

15 (A) make minor boundary adjustments to
16 the eligible land to be sold or exchanged under
17 this section; and

18 (B) correct any minor errors, including
19 clerical and typographical errors, on the Map or
20 any maps, acreage estimates, or legal descrip-
21 tions finalized under this subsection.

22 **SEC. 104. SALE OF ENCUMBERED LAND.**

23 (a) AUTHORIZATION OF CONVEYANCE.—Notwith-
24 standing sections 202, 203, 206, and 209 of the Federal
25 Land Policy and Management Act of 1976 (43 U.S.C.

1 1712, 1713, 1716, 1719), not later than 90 days after
2 the date of enactment of this Act and subject to valid ex-
3 isting rights held by third parties, the Secretary shall offer
4 to convey to qualified entities, for fair market value, the
5 remaining right, title, and interest of the United States,
6 in and to the encumbered land as depicted on the Map.

7 (b) COSTS OF SALES TO QUALIFIED ENTITIES.—As
8 a condition of each conveyance of encumbered land under
9 this section, the qualified entity shall pay all costs related
10 to the conveyance of the encumbered land, including the
11 costs of surveys and other administrative costs associated
12 with the conveyance.

13 (c) OFFER TO CONVEY.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date on which the Secretary receives a fair
16 market offer from a qualified entity for the convey-
17 ance of encumbered land, the Secretary shall accept
18 the fair market value offer.

19 (2) APPRAISAL.—Fair market value of the in-
20 terest of the United States in and to encumbered
21 land shall be determined by an appraisal conducted
22 in accordance with the Uniform Standards of Pro-
23 fessional Appraisal Practice.

24 (d) CONVEYANCE.—Not later than 180 days after the
25 date of acceptance by the Secretary of an offer from a

1 qualified entity under subsection (c)(1) and completion of
2 a sale for all or part of the applicable portion of encum-
3 bered land to the qualified entity, the Secretary, by deliv-
4 ery of an appropriate deed, patent, or other valid instru-
5 ment of conveyance, shall convey to the qualified entity
6 all remaining right, title, and interest of the United States
7 in and to the applicable portion of the encumbered land.

8 (e) MERGER.—Subject to valid existing rights held
9 by third parties, on delivery of the instrument of convey-
10 ance to the qualified entity under subsection (d), the prior
11 interests in the locatable minerals and the right to use
12 the surface for mineral purposes held by the qualified enti-
13 ty under a mining claim, millsite, tunnel site, or any other
14 Federal land use authorization applicable to the encum-
15 bered land included in the instrument of conveyance, shall
16 merge with all right, title, and interest conveyed to the
17 qualified entity by the United States under this section
18 to ensure that the qualified entity receives fee simple title
19 to the purchased encumbered land.

20 **SEC. 105. DISPOSITION OF PROCEEDS.**

21 (a) DISPOSITION OF PROCEEDS.—Of the proceeds
22 from the sale of land under this title—

23 (1) 5 percent shall be disbursed to the State for
24 use in the general education program of the State;

1 (2) 10 percent shall be disbursed to the County
2 for use as determined through normal County budg-
3 eting procedures; and

4 (3) the remainder shall be deposited in a special
5 account in the Treasury of the United States, to be
6 known as the “Pershing County Special Account”,
7 which shall be available to the Secretary, in con-
8 sultation with the County, for—

9 (A) the acquisition of land from willing
10 sellers (including interests in land) in the Coun-
11 ty—

12 (i) within a wilderness area;

13 (ii) that protects other environ-
14 mentally significant land;

15 (iii) that secures public access to Fed-
16 eral land for hunting, fishing, and other
17 recreational purposes; or

18 (iv) that improves management of
19 Federal land within the area identified as
20 “Checkerboard Lands Resolution Area” on
21 the Map; and

22 (B) the reimbursement of costs incurred by
23 the Secretary in preparing for the sale or ex-
24 change of land under this title.

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

4 (1) shall earn interest in an amount determined
5 by the Secretary of the Treasury, based on the cur-
6 rent average market yield on outstanding marketable
7 obligations of the United States of comparable ma-
8 turities; and

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

11 (c) REPORTS.—

12 (1) IN GENERAL.—Not later than September
13 30 of the fifth fiscal year after the date of enact-
14 ment of this Act, and every 5 fiscal years thereafter,
15 the Secretary shall submit to the State, the County,
16 and the appropriate committees of Congress a report
17 on the operation of the special account established
18 under subsection (a)(3) for the preceding 5 fiscal
19 years.

20 (2) CONTENTS.—Each report submitted under
21 paragraph (1) shall include, for the fiscal year cov-
22 ered by the report—

23 (A) a statement of the amounts deposited
24 into the special account;

1 (B) a description of the expenditures made
2 from the special account for the fiscal year, in-
3 cluding the purpose of the expenditures;

4 (C) recommendations for additional au-
5 thorities to fulfill the purpose of the special ac-
6 count; and

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

10 **TITLE II—WILDERNESS AREAS**

11 **SEC. 201. ADDITIONS TO THE NATIONAL WILDERNESS** 12 **PRESERVATION SYSTEM.**

13 (a) ADDITIONS.—In accordance with the Wilderness
14 Act (16 U.S.C. 1131 et seq.), the following parcels of Fed-
15 eral land in the State are designated as wilderness and
16 as components of the National Wilderness Preservation
17 System:

18 (1) CAIN MOUNTAIN WILDERNESS ADDITION.—
19 Certain Federal land managed by the Bureau of
20 Land Management, comprising approximately
21 12,339 acres, as generally depicted on the map enti-
22 tled “Proposed Cain Mountain Wilderness” and
23 dated July 8, 2024, which is incorporated in, and
24 considered to be a part of, the Cain Mountain Wil-
25 derness designated by sections 2905(b)(1)(C) and

1 2932(a)(1) of the James M. Inhofe National De-
2 fense Authorization Act for Fiscal Year 2023 (Pub-
3 lic Law 117–263; 136 Stat. 3040; 136 Stat. 3048).

4 (2) BLUEWING WILDERNESS.—Certain Federal
5 land managed by the Bureau of Land Management,
6 comprising approximately 24,900 acres, as generally
7 depicted on the map entitled “Proposed Bluewing
8 Wilderness” and dated July 8, 2024, which shall be
9 known as the “Bluewing Wilderness”.

10 (3) SELENITE PEAK WILDERNESS.—Certain
11 Federal land managed by the Bureau of Land Man-
12 agement, comprising approximately 22,822 acres, as
13 generally depicted on the map entitled “Proposed
14 Selenite Peak Wilderness” and dated July 8, 2024,
15 which shall be known as the “Selenite Peak Wilder-
16 ness”.

17 (4) MOUNT LIMBO WILDERNESS.—Certain Fed-
18 eral land managed by the Bureau of Land Manage-
19 ment, comprising approximately 11,855 acres, as
20 generally depicted on the map entitled “Proposed
21 Mt. Limbo Wilderness” and dated July 8, 2024,
22 which shall be known as the “Mount Limbo Wilder-
23 ness”.

24 (5) NORTH SAHWAVE WILDERNESS.—Certain
25 Federal land managed by the Bureau of Land Man-

1 agement, comprising approximately 13,875 acres, as
2 generally depicted on the map entitled “Proposed
3 North Sahwave Wilderness” and dated July 8, 2024,
4 which shall be known as the “North Sahwave Wil-
5 derness”.

6 (6) GRANDFATHERS WILDERNESS.—Certain
7 Federal land managed by the Bureau of Land Man-
8 agement, comprising approximately 35,339 acres, as
9 generally depicted on the map entitled “Proposed
10 Grandfathers Wilderness” and dated July 8, 2024,
11 which shall be known as the “Grandfathers Wilder-
12 ness”.

13 (7) FENCEMAKER WILDERNESS.—Certain Fed-
14 eral land managed by the Bureau of Land Manage-
15 ment, comprising approximately 14,942 acres, as
16 generally depicted on the map entitled “Proposed
17 Fencemaker Wilderness” and dated July 8, 2024,
18 which shall be known as the “Fencemaker Wilder-
19 ness”.

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

23 (c) MAP AND LEGAL DESCRIPTION.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this Act, the Secretary

1 shall file 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 Act, except
6 that the Secretary may correct clerical and typo-
7 graphical errors in the map or legal description.

8 (3) AVAILABILITY.—Each map and legal de-
9 scription prepared under paragraph (1) shall be on
10 file and available for public inspection in the appro-
11 priate offices of the Bureau of Land Management.

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

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

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

19 (C) disposition under all laws relating to
20 mineral and geothermal leasing or mineral ma-
21 terials.

22 **SEC. 202. ADMINISTRATION.**

23 (a) MANAGEMENT.—Subject to valid existing rights,
24 the wilderness areas shall be administered by the Sec-
25 retary in accordance with the Wilderness Act (16 U.S.C.

1 1131 et seq.), except that with respect to the wilderness
2 areas—

3 (1) any reference in that Act to the effective
4 date shall be considered to be a reference to the date
5 of enactment of this Act; and

6 (2) any reference in that Act to the Secretary
7 of Agriculture shall be considered to be a reference
8 to the Secretary.

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

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

16 (2) the guidelines set forth in Appendix A of
17 the report of the Committee on Interior and Insular
18 Affairs of the House of Representatives accom-
19 panying H.R. 2570 of the 101st Congress (House
20 Report 101–405).

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

1 (d) ADJACENT MANAGEMENT.—

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

6 (2) NONWILDERNESS ACTIVITIES.—The fact
7 that nonwilderness activities or uses can be seen or
8 heard from areas within a wilderness area shall not
9 preclude the conduct of those activities or uses out-
10 side the boundary of the wilderness area.

11 (e) MILITARY OVERFLIGHTS.—Nothing in this title
12 restricts or precludes—

13 (1) low-level overflights of military aircraft over
14 the wilderness areas, including military overflights
15 that can be seen or heard within the wilderness
16 areas;

17 (2) flight testing and evaluation; or

18 (3) the designation or creation of new units of
19 special use airspace, or the establishment of military
20 flight training routes, over the wilderness areas.

21 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-
22 MENT.—In accordance with section 4(d)(1) of the Wilder-
23 ness Act (16 U.S.C. 1133(d)(1)), the Secretary may take
24 such measures in the wilderness areas as are necessary
25 for the control of fire, insects, and diseases (including, as

1 the Secretary determines to be appropriate, the coordina-
2 tion of the activities with a State or local agency).

3 (g) CLIMATOLOGICAL DATA COLLECTION.—In ac-
4 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
5 and subject to such terms and conditions as the Secretary
6 may prescribe, the Secretary may authorize the installa-
7 tion and maintenance of hydrologic, meteorologic, or cli-
8 matological data collection devices in the wilderness areas
9 if the Secretary determines that the facilities and access
10 to the facilities are essential to flood warning, flood con-
11 trol, or water reservoir operation activities.

12 (h) WATER RIGHTS.—

13 (1) FINDINGS.—Congress finds that—

14 (A) the wilderness areas are located—

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

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

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

22 (II) opportunities for diversion,
23 storage, or other uses of water occur-
24 ring outside the land that would ad-

1 versely affect the wilderness values of
2 the land;

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

6 (C) because of the unique nature of the
7 wilderness areas, it is possible to provide for
8 proper management and protection of the wil-
9 derness and other values of land in ways dif-
10 ferent from those used in other laws.

11 (2) PURPOSE.—The purpose of this section is
12 to protect the wilderness values of the wilderness
13 areas by means other than a federally reserved water
14 right.

15 (3) STATUTORY CONSTRUCTION.—Nothing in
16 this title—

17 (A) constitutes an express or implied res-
18 ervation by the United States of any water or
19 water rights with respect to the wilderness
20 areas;

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

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

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

5 (E) limits, alters, modifies, or amends any
6 interstate compact or equitable apportionment
7 decree that apportions water among and be-
8 tween the State and other States.

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

14 (5) NEW PROJECTS.—

15 (A) DEFINITION OF WATER RESOURCE FA-
16 CILITY.—

17 (i) IN GENERAL.—In this paragraph,
18 the term “water resource facility” means
19 irrigation and pumping facilities, res-
20 ervoirs, water conservation works, aque-
21 ducts, canals, ditches, pipelines, wells, hy-
22 dropower projects, transmission and other
23 ancillary facilities, and other water diver-
24 sion, storage, and carriage structures.

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

4 (B) RESTRICTION ON NEW WATER RE-
5 SOURCE FACILITIES.—Except as otherwise pro-
6 vided in this Act, on and after the date of en-
7 actment of this Act, neither the President nor
8 any other officer, employee, or agent of the
9 United States shall fund, assist, authorize, or
10 issue a license or permit for the development of
11 any new water resource facility within the wil-
12 derness areas.

13 (i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

14 (1) IN GENERAL.—Nothing in this title pre-
15 vents the placement of a temporary telecommuni-
16 cations device for law enforcement or agency admin-
17 istrative purposes in the Selenite Peak Wilderness in
18 accordance with paragraph (2).

19 (2) ADDITIONAL REQUIREMENTS.—Any tem-
20 porary telecommunications device authorized by the
21 Secretary under paragraph (1) shall—

22 (A) be carried out in accordance with—

23 (i) the Wilderness Act (16 U.S.C.
24 1131 et seq.); and

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

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

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

9 **SEC. 203. WILDLIFE MANAGEMENT.**

10 (a) IN GENERAL.—In accordance with section
11 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
12 nothing in this title affects or diminishes the jurisdiction
13 of the State with respect to fish and wildlife management,
14 including the regulation of hunting, fishing, and trapping,
15 in the wilderness areas.

16 (b) MANAGEMENT ACTIVITIES.—In furtherance of
17 the purposes and principles of the Wilderness Act (16
18 U.S.C. 1131 et seq.), the Secretary may conduct any man-
19 agement activities in the wilderness areas that are nec-
20 essary to maintain or restore fish and wildlife populations
21 and the habitats to support the populations, if the activi-
22 ties are carried out—

23 (1) consistent with relevant wilderness manage-
24 ment plans; and

25 (2) in accordance with—

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

3 (B) appropriate policies, such as those set
4 forth in Appendix B of the report of the Com-
5 mittee on Interior and Insular Affairs of the
6 House of Representatives accompanying H.R.
7 2570 of the 101st Congress (House Report
8 101–405), including noxious weed treatment
9 and the occasional and temporary use of motor-
10 ized vehicles if the use, as determined by the
11 Secretary, would promote healthy, viable, and
12 more naturally distributed wildlife populations
13 that would enhance wilderness values with the
14 minimal impact necessary to reasonably accom-
15 plish those tasks.

16 (c) EXISTING ACTIVITIES.—In accordance with sec-
17 tion 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1))
18 and in accordance with appropriate policies such as those
19 set forth in Appendix B of the Committee on Interior and
20 Insular Affairs of the House of Representatives accom-
21 panying H.R. 2570 of the 101st Congress (House Report
22 101–405), the State may continue to use aircraft, includ-
23 ing helicopters, to survey, capture, transplant, monitor,
24 and provide water for wildlife populations.

1 (d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

2 Subject to subsection (f), the Secretary shall authorize
3 structures and facilities, including existing structures and
4 facilities, for wildlife water development projects, including
5 guzzlers, in the wilderness areas if—

6 (1) the structures and facilities will, as deter-
7 mined by the Secretary, enhance wilderness values
8 by promoting healthy, viable, and more naturally
9 distributed wildlife populations; and

10 (2) the visual impacts of the structures and fa-
11 cilities on the wilderness areas can reasonably be
12 minimized.

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

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

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

24 (f) COOPERATIVE AGREEMENT.—

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

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 between the
8 Bureau of Land Management and the Nevada
9 Department of Wildlife Supplement No. 9” and
10 signed November and December 2003, includ-
11 ing any amendments to the cooperative agree-
12 ment agreed to by the Secretary and the State;
13 and

14 (B) subject to all applicable laws (including
15 regulations).

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

21 **SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.**

22 (a) FINDING.—Congress finds that, for the purposes
23 of section 603(e) of the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately
25 48,600 acres of public land in the portions of the China

1 Mountain, Mt. Limbo, Selenite Mountains, and Tobin
2 Range wilderness study areas that have not been des-
3 igned as wilderness by subsection (a) of section 201 and
4 the portion of the Augusta Mountains wilderness study
5 area within the County that has not been designated as
6 wilderness by that subsection have been adequately stud-
7 ied for wilderness designation.

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

10 (1) is no longer subject to section 603(c) of the
11 Federal Land Policy and Management Act of 1976
12 (43 U.S.C. 1782(c)); and

13 (2) shall be managed in accordance with the ap-
14 plicable land use plans adopted under section 202 of
15 the Federal Land Policy and Management Act of
16 1976 (43 U.S.C. 1712).

17 **SEC. 205. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
18 **USES.**

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

23 (b) CULTURAL USES.—Nothing in this title precludes
24 the traditional collection of pine nuts in a wilderness area

1 for personal, noncommercial use consistent with the Wil-
2 derness Act (16 U.S.C. 1131 et seq.).

3 **TITLE III—TRIBAL TRUST LAND**

4 **SEC. 301. TRANSFER OF LAND TO BE HELD IN TRUST FOR** 5 **THE LOVELOCK PAIUTE TRIBE.**

6 (a) IN GENERAL.—Subject to valid existing rights,
7 all right, title, and interest of the United States in and
8 to the land described in subsection (b) shall be—

9 (1) held in trust by the United States for the
10 benefit of the Lovelock Paiute Tribe; and

11 (2) part of the reservation of the Lovelock Pai-
12 ute Tribe.

13 (b) DESCRIPTION OF LAND.—The land referred to in
14 subsection (a) is the approximately 10 acres of land ad-
15 ministered by the Bureau of Land Management in the
16 State, as depicted on the map prepared under subsection
17 (d).

18 (c) SURVEY.—Not later than 180 days after the date
19 of enactment of this Act, the Secretary shall complete a
20 survey to establish the boundaries of the land taken into
21 trust under subsection (a).

22 (d) MAP.—As soon as practicable after the date on
23 which the Secretary completes the survey under subsection
24 (c), the Secretary shall prepare a map that depicts the
25 boundaries of the land established under that subsection.

1 (e) GAMING PROHIBITED.—The land taken into trust
2 under subsection (a) shall not be eligible, or considered
3 to have been taken into trust, for class II gaming or class
4 III gaming (as those terms are defined in section 4 of the
5 Indian Gaming Regulatory Act (25 U.S.C. 2703)).

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