

Calendar No. 770

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 1695****[Report No. 106-394]**

---

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2000

Received; read twice and referred to the Committee on Energy and Natural  
Resources

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr.  
MURKOWSKI, with amendments[Omit the part struck through and insert the part printed in *italic*]

---

## **AN ACT**

To provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, 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 “Ivanpah Valley Airport  
5        Public Lands Transfer Act”.

1 **SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NE-**  
2 **VADA.**

3 (a) IN GENERAL.—Notwithstanding the land use  
4 planning requirements contained in sections 202 and 203  
5 of the Federal Land Policy and Management Act of 1976  
6 (43 U.S.C. 1712 and 1713), but subject to subsection (b)  
7 of this section and valid existing rights, the Secretary shall  
8 convey to the County all right, title, and interest of the  
9 United States in and to the Federal public lands identified  
10 for disposition on the map entitled “Ivanpah Valley, Ne-  
11 vada-Airport Selections” numbered 01, and dated April  
12 1999, for the purpose of developing an airport facility and  
13 related infrastructure. The Secretary shall keep such map  
14 on file and available for public inspection in the offices  
15 of the Director of the Bureau of Land Management and  
16 in the district office of the Bureau located in Las Vegas,  
17 Nevada.

18 (b) CONDITIONS.—The Secretary shall make no con-  
19 veyance under subsection (a) until each of the following  
20 conditions are fulfilled:

21 (1) The County has conducted an airspace ~~as-~~  
22 ~~essment~~ *assessment, using the airspace management*  
23 *plan required by section 4(a)*, to identify any poten-  
24 tial adverse effects on access to the Las Vegas Basin  
25 under visual flight rules that would result from the

1 construction and operation of a commercial or pri-  
 2 mary airport, or both, on the land to be conveyed.

3 (2) The Federal Aviation Administration has  
 4 made a certification under section 4(b).

5 (3) The County has entered into an agreement  
 6 with the Secretary to retain ownership of Jean Air-  
 7 port, located at Jean, Nevada, and to maintain and  
 8 operate such airport for general aviation purposes.

9 (c) PAYMENT.—

10 (1) IN GENERAL.—As consideration for the con-  
 11 veyance of each parcel, the County shall pay to the  
 12 United States an amount equal to the fair market  
 13 value of the parcel.

14 ~~(2) DEPOSIT IN SPECIAL ACCOUNT.—The Sec-~~  
 15 ~~retary shall deposit the payments received under~~  
 16 ~~paragraph (1) in the special account described in~~  
 17 ~~section 4(e)(1)(C) of the Southern Nevada Public~~  
 18 ~~Land Management Act of 1998 (112 Stat. 2345).~~  
 19 ~~The second sentence of section 4(f) of such Act (112~~  
 20 ~~Stat. 2346) shall not apply to interest earned on~~  
 21 ~~amounts deposited under this paragraph.~~

22 (2) *DEPOSIT IN SPECIAL ACCOUNT.—(A) The*  
 23 *Secretary shall deposit the payments received under*  
 24 *paragraph (1) into the special account described in*  
 25 *section 4(e)(1)(C) of the Southern Nevada Public*

1       *Land Management Act of 1998 (112 Stat. 2345).*  
2       *Such funds may be expended only for the acquisition*  
3       *of private inholdings in the Mojave National Preserve*  
4       *and for the protection and management of the*  
5       *petroglyph resources in Clark County, Nevada. The*  
6       *second sentence of section 4(f) of such Act (112 Stat.*  
7       *2346) shall not apply to interest earned on amounts*  
8       *deposited under this paragraph.*

9               *(B) The Secretary may not expend funds pursu-*  
10       *ant to this section until—*

11                       *(i) the provisions of section 5 of this Act*  
12                       *have been completed; and*

13                       *(ii) a final Record of Decision pursuant to*  
14                       *the National Environmental Policy Act of 1969*  
15                       *(42 U.S.C. 4321 et seq.) has been issued which*  
16                       *permits development of an airport at the*  
17                       *Ivanpah site.*

18       ~~(d) REVERSION AND REENTRY.—If, following com-~~  
19 ~~pletion of compliance with section 5 of this Act, the Fed-~~  
20 ~~eral Aviation Administration and the County determine~~  
21 ~~that an airport cannot be constructed on the conveyed~~  
22 ~~lands—~~

23       *(d) REVERSION AND REENTRY.—If, following comple-*  
24 *tion of compliance with section 5 of this Act and in accord-*  
25 *ance with the findings made by the actions taken in compli-*

1 *ance with such section, the Federal Aviation Administra-*  
 2 *tion and the County determine that an airport should not*  
 3 *be constructed on the conveyed lands—*

4 (1) the Secretary of the Interior shall imme-  
 5 diately refund to the County all payments made to  
 6 the United States for such lands under subsection  
 7 (c); and

8 (2) upon such payment—

9 (A) all right, title, and interest in the lands  
 10 conveyed to the County under this Act shall re-  
 11 vert to the United States; and

12 (B) the Secretary may reenter such lands.

13 **SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CON-**  
 14 **VEYANCE.**

15 The public lands referred to in section 2(a) are with-  
 16 drawn from mineral entry under the Act of May 10, 1872  
 17 (30 U.S.C. 22 et seq.; popularly known as the Mining Law  
 18 of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et  
 19 seq.).

20 **SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPOR-**  
 21 **TATION.**

22 (a) DEVELOPMENT OF AIRSPACE MANAGEMENT  
 23 PLAN.—The Secretary of Transportation shall, in con-  
 24 sultation with the ~~Secretary~~, *Secretary, prior to the convey-*  
 25 *ance of the land referred to in section 2(a)*, develop an air-

1 space management plan for the Ivanpah Valley Airport  
2 that shall, to the maximum extent practicable and without  
3 adversely impacting safety considerations, restrict aircraft  
4 arrivals and departures over the Mojave Desert Preserve  
5 in California.

6 (b) CERTIFICATION OF ASSESSMENT.—The Adminis-  
7 trator of the Federal Aviation Administration shall certify  
8 to the Secretary that the assessment made by the County  
9 under section 2(b)(1) is thorough and that alternatives  
10 have been developed to address each adverse effect identi-  
11 fied in the assessment, including alternatives that ensure  
12 access to the Las Vegas Basin under visual flight rules  
13 at a level that is equal to or better than existing access.

14 **SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
15 **POLICY ACT OF 1969 REQUIRED.**

16 Prior to construction of an airport facility on lands  
17 conveyed under section 2, all actions required under the  
18 National Environmental Policy Act of 1969 (42 U.S.C.  
19 4321 et seq.) with respect to initial planning and construc-  
20 tion shall be completed by the Secretary of Transportation  
21 and the Secretary of the Interior as joint lead agencies.  
22 *Any actions conducted in accordance with this section shall*  
23 *specifically address any impacts on the purposes for which*  
24 *the Mojave National Preserve was created.*

1 **SEC. 6. DEFINITIONS.**

2 In this Act—

3 (1) the term “County” means Clark County,  
4 Nevada; and

5 (2) the term “Secretary” means the Secretary  
6 of the Interior.

Passed the House of Representatives March 9,  
2000.

Attest:

JEFF TRANDAHL,  
*Clerk.*

**Calendar No. 770**

106TH CONGRESS  
2D SESSION

**H. R. 1695**

**[Report No. 106-394]**

---

---

**AN ACT**

To provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

---

---

AUGUST 25, 2000

Reported with amendments