

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 697**  
**OFFERED BY M C. Lamborn**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Three Kids Mine Re-  
3 mediation and Reclamation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL LAND.**—The term “Federal land”  
7 means the approximately 948 acres of Bureau of  
8 Reclamation and Bureau of Land Management land  
9 within the Three Kids Mine Project Site, as depicted  
10 on the map.

11 (2) **HAZARDOUS SUBSTANCE; POLLUTANT OR**  
12 **CONTAMINANT; REMEDY.**—The terms “hazardous  
13 substance”, “pollutant or contaminant”, and “rem-  
14 edy” have the meanings given those terms in section  
15 101 of the Comprehensive Environmental Response,  
16 Compensation, and Liability Act of 1980 (42 U.S.C.  
17 9601).

1           (3) HENDERSON REDEVELOPMENT AGENCY.—  
2           The term “Henderson Redevelopment Agency”  
3           means the redevelopment agency of the City of Hen-  
4           derson, Nevada, established and authorized to trans-  
5           act business and exercise the powers of the agency  
6           in accordance with the Nevada Community Redevel-  
7           opment Law (Nev. Rev. Stat. 279.382 to 279.685).

8           (4) MAP.—The term “map” means the map en-  
9           titled “Three Kids Mine Project Area” and dated  
10          February 6, 2012.

11          (5) RESPONSIBLE PARTY.—The term “Respon-  
12          sible Party” means the private sector entity des-  
13          ignated by the Henderson Redevelopment Agency,  
14          and approved by the State of Nevada, to complete  
15          the assessment, remediation, reclamation and rede-  
16          velopment of the Three Kids Mine Project Site).

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

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

21          (8) THREE KIDS MINE PROJECT SITE.—The  
22          term “Three Kids Mine Project Site” means the ap-  
23          proximately 1,262 acres of land that is—

24                   (A) comprised of—

25                           (i) the Federal land; and

1 (ii) the approximately 314 acres of  
2 adjacent non-Federal land; and  
3 (B) depicted as the “Three Kids Mine  
4 Project Site” on the map.

5 **SEC. 3. LAND CONVEYANCE.**

6 (a) IN GENERAL.—Notwithstanding sections 202 and  
7 203 of the Federal Land Policy and Management Act of  
8 1976 (43 U.S.C. 1712, 1713), not later than 90 days after  
9 the date on which the Secretary determines that the condi-  
10 tions described in subsection (b) have been met, and sub-  
11 ject to valid existing rights and applicable law, the Sec-  
12 retary shall convey to the Henderson Redevelopment  
13 Agency all right, title, and interest of the United States  
14 in and to the Federal land.

15 (b) CONDITIONS.—

16 (1) APPRAISAL; FAIR MARKET VALUE.—

17 (A) IN GENERAL.—As consideration for  
18 the conveyance under subsection (a), the Hen-  
19 derson Redevelopment Agency shall pay the fair  
20 market value of the Federal land, if any, as de-  
21 termined under subparagraph (B) and as ad-  
22 justed under subparagraph (F).

23 (B) APPRAISAL.—The Secretary shall de-  
24 termine the fair market value of the Federal  
25 land based on an appraisal—

1 (i) that is conducted in accordance  
2 with nationally recognized appraisal stand-  
3 ards, including—

4 (I) the Uniform Appraisal Stand-  
5 ards for Federal Land Acquisitions;  
6 and

7 (II) the Uniform Standards of  
8 Professional Appraisal Practice; and

9 (ii) that does not take into account  
10 any existing contamination associated with  
11 historical mining on the Federal land.

12 (C) REMEDIATION AND RECLAMATION  
13 COSTS.—

14 (i) IN GENERAL.—The Secretary shall  
15 prepare a reasonable estimate of the costs  
16 to assess, remediate, and reclaim the Three  
17 Kids Mine Project Site.

18 (ii) CONSIDERATIONS.—The estimate  
19 prepared under clause (i) shall be—

20 (I) based on the results of a com-  
21 prehensive Phase II environmental  
22 site assessment of the Three Kids  
23 Mine Project Site prepared by the  
24 Henderson Redevelopment Agency or

1 a Responsible Party that has been ap-  
2 proved by the State; and

3 (II) prepared in accordance with  
4 the current version of the ASTM  
5 International Standard E-2137-06  
6 (2011) entitled “Standard Guide for  
7 Estimating Monetary Costs and Li-  
8 abilities for Environmental Matters”.

9 (iii) ASSESSMENT REQUIREMENTS.—

10 The Phase II environmental site assess-  
11 ment prepared under clause (ii)(I) shall,  
12 without limiting any additional require-  
13 ments that may be required by the State,  
14 be conducted in accordance with the proce-  
15 dures of—

16 (I) the most recent version of  
17 ASTM International Standard E-  
18 1527-05 entitled “Standard Practice  
19 for Environmental Site Assessments:  
20 Phase I Environmental Site Assess-  
21 ment Process”; and

22 (II) the most recent version of  
23 ASTM International Standard E-  
24 1903-11 entitled “Standard Guide for  
25 Environmental Site Assessments:

1 Phase II Environmental Site Assess-  
2 ment Process”.

3 (iv) REVIEW OF CERTAIN INFORMA-  
4 TION.—

5 (I) IN GENERAL.—The Secretary  
6 shall review and consider cost infor-  
7 mation proffered by the Henderson  
8 Redevelopment Agency, the Respon-  
9 sible Party, and the State in the prep-  
10 aration of the estimate under this  
11 subparagraph.

12 (II) FINAL DETERMINATION.—If  
13 there is a disagreement among the  
14 Secretary, Henderson Redevelopment  
15 Agency, and the State over the rea-  
16 sonable estimate of costs under this  
17 subparagraph, the parties shall jointly  
18 select 1 or more experts to assist the  
19 Secretary in making the final estimate  
20 of the costs.

21 (D) DEADLINE.—Not later than 30 days  
22 after the date of enactment of this Act, the Sec-  
23 retary shall begin the appraisal and cost esti-  
24 mates under subparagraphs (B) and (C), re-  
25 spectively.

1 (E) APPRAISAL COSTS.—The Henderson  
2 Redevelopment Agency or the Responsible  
3 Party shall reimburse the Secretary for the  
4 costs incurred in performing the appraisal  
5 under subparagraph (B).

6 (F) ADJUSTMENT.—The Secretary shall  
7 administratively adjust the fair market value of  
8 the Federal land, as determined under subpara-  
9 graph (B), based on the estimate of remedi-  
10 ation, and reclamation costs, as determined  
11 under subparagraph (C).

12 (2) MINE REMEDIATION AND RECLAMATION  
13 AGREEMENT EXECUTED.—

14 (A) IN GENERAL.—The conveyance under  
15 subsection (a) shall be contingent on—

16 (i) the Secretary receiving from the  
17 State written notification that a mine re-  
18 mediation and reclamation agreement has  
19 been executed in accordance with subpara-  
20 graph (B); and

21 (ii) the Secretary concurring, not later  
22 than 30 days after the date of receipt of  
23 the written notification under clause (i),  
24 that the requirements under subparagraph  
25 (B) have been met.

1 (B) REQUIREMENTS.—The mine remedi-  
2 ation and reclamation agreement required  
3 under subparagraph (A) shall be an enforceable  
4 consent order or agreement between the State  
5 and the Responsible Party who will be obligated  
6 to perform under the consent order or agree-  
7 ment administered by the State that—

8 (i) obligates the Responsible Party to  
9 perform, after the conveyance of the Fed-  
10 eral land under this Act, the remediation  
11 and reclamation work at the Three Kids  
12 Mine Project Site necessary to ensure all  
13 remedial actions necessary to protect  
14 human health and the environment with  
15 respect to any hazardous substances, pol-  
16 lutant, or contaminant will be taken, in ac-  
17 cordance with all Federal, State, and local  
18 requirements; and

19 (ii) contains provisions determined to  
20 be necessary by the State and the Hender-  
21 son Redevelopment Agency, including fi-  
22 nancial assurance provisions to ensure the  
23 completion of the remedy.

24 (3) NOTIFICATION FROM AGENCY.—As a condi-  
25 tion of the conveyance under subsection (a), not



1 later than 90 days after the date of execution of the  
2 mine remediation and reclamation agreement re-  
3 quired under paragraph (2), the Secretary shall ac-  
4 cept written notification from the Henderson Rede-  
5 velopment Agency that the Henderson Redevelop-  
6 ment Agency is prepared to accept conveyance of the  
7 Federal land under subsection (a).

8 **SEC. 4. WITHDRAWAL.**

9 (a) IN GENERAL.—Subject to valid existing rights,  
10 for the 10-year period beginning on the earlier of the date  
11 of enactment of this Act or the date of the conveyance  
12 required by this Act, the Federal land is withdrawn from  
13 all forms of—

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

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

18 (3) disposition under the mineral leasing, min-  
19 eral materials, and the geothermal leasing laws.

20 (b) EXISTING RECLAMATION WITHDRAWALS.—Sub-  
21 ject to valid existing rights, any withdrawal under the pub-  
22 lic land laws that includes all or any portion of the Federal  
23 land for which the Bureau of Reclamation has determined  
24 that the Bureau of Reclamation has no further need under

1 applicable law is relinquished and revoked solely to the ex-  
2 tent necessary—

3 (1) to exclude from the withdrawal the property  
4 that is no longer needed; and

5 (2) to allow for the immediate conveyance of  
6 the Federal land as required under this Act.

7 (c) **EXISTING RECLAMATION PROJECT AND PER-**  
8 **MITTED FACILITIES.**—Except as provided in subsection  
9 (a), nothing in this Act diminishes, hinders, or interferes  
10 with the exclusive and perpetual use by the existing rights  
11 holders for the operation, maintenance, and improvement  
12 of water conveyance infrastructure and facilities, including  
13 all necessary ingress and egress, situated on the Federal  
14 land that were constructed, or permitted by the Bureau  
15 of Reclamation before the effective date of this Act.

16 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

17 Notwithstanding section 203 of the Federal Land  
18 Policy and Management Act of 1976 (43 U.S.C. 1713),  
19 the boundary of the River Mountains Area of Critical En-  
20 vironmental Concern (NVN 76884) is adjusted to exclude  
21 any portion of the Three Kids Mine Project Site consistent  
22 with the map.

23 **SEC. 6. RESPONSIBILITIES OF THE PARTIES.**

24 (a) **RESPONSIBILITY OF PARTIES TO MINE REMEDI-**  
25 **ATION AND RECLAMATION AGREEMENT.**—On completion

1 of the conveyance under section 3, the responsibility for  
2 complying with the mine remediation and reclamation  
3 agreement executed under section 3(b)(2) shall apply to  
4 the Responsible Party and the State of Nevada.

5 (b) SAVINGS PROVISION.—If the conveyance under  
6 this Act has occurred, but the terms of the agreement exe-  
7 cuted under section 3(b)(2) have not been met, nothing  
8 in this Act—

9 (1) affects the responsibility of the Secretary to  
10 take any additional response action necessary to pro-  
11 tect public health and the environment from a re-  
12 lease or the threat of a release of a hazardous sub-  
13 stance, pollutant, or contaminant; or

14 (2) unless otherwise expressly provided, modi-  
15 fies, limits, or otherwise affects—

16 (A) the application of, or obligation to  
17 comply with, any law, including any environ-  
18 mental or public health law; or

19 (B) the authority of the United States to  
20 enforce compliance with the requirements of  
21 any law or the agreement executed under sec-  
22 tion 3(b)(2).

1 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**

2 **ACT.**

3 Southern Nevada Public Land Management Act of  
4 1998 (31 U.S.C. 6901 note; Public Law 105-263) shall  
5 not apply to land conveyed under this Act.

