

### § 460ccc-4. Acquisitions

#### (a) In general

(1) Within the conservation area, and subject to the provisions of this section, the Secretary is authorized to acquire lands, interests in lands, and associated water rights, by donation, purchase, exchange for Federal lands outside the conservation area, or transfer from another Federal agency with the concurrence of the head of the appropriate agency thereof.

(2) No privately owned lands, interests in lands, or associated water rights, may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the resource values for which the conservation area was established.

(3) Any lands, waters, or interests therein within the boundaries of the conservation area which after November 16, 1990, may be acquired by the United States shall be incorporated into the conservation area and be managed accordingly, and all provisions of this subchapter and other laws applicable to conservation areas shall apply to such incorporated lands.

#### (b) Land exchanges

All exchanges pursuant to subsection (a) shall be made in a manner consistent with section 1716 of title 43.

(Pub. L. 101-621, § 6, Nov. 16, 1990, 104 Stat. 3344; Pub. L. 110-161, div. F, title I, § 120, Dec. 26, 2007, 121 Stat. 2121.)

#### AMENDMENTS

2007—Subsec. (a). Pub. L. 110-161, which directed the amendment of section 460ccc-4(a) of the Red Rock Canyon National Conservation Area Establishment Act authorization by striking out “with donated or appropriated funds” in par. (1), striking out par. (2), and redesignating pars. (3) and (4) as (2) and (3), respectively, was executed by making the amendments to subsec. (a) of this section, which is section 6 of the Red Rock Canyon National Conservation Area Establishment Act of 1990, to reflect the probable intent of Congress. Prior to amendment, “with donated or appropriated funds” appeared after “purchase” and par. (2) read as follows: “Lands or interests therein owned by the State of Nevada or a political subdivision thereof may be acquired by donation or exchange only.”

#### ADDITION OF LAND TO RED ROCK CANYON NATIONAL CONSERVATION AREA; MILITARY OVERFLIGHTS

Pub. L. 113-291, div. B, title XXX, § 3092(b), (l), Dec. 19, 2014, 128 Stat. 3867, 3879, provided that:

“(b) ADDITION OF LAND TO RED ROCK CANYON NATIONAL CONSERVATION AREA.—

“(1) DEFINITIONS.—In this subsection:

“(A) CONSERVATION AREA.—The term ‘Conservation Area’ means the Red Rock Canyon National Conservation Area established by the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.).

“(B) MAP.—The term ‘Map’ means the map entitled ‘North Las Vegas Valley Overview’ and dated November 5, 2013.

“(C) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Bureau of Land Management.

“(2) ADDITION OF LAND TO CONSERVATION AREA.—

“(A) IN GENERAL.—The Conservation Area is expanded to include the land depicted on the Map as ‘Additions to Red Rock NCA’.

“(B) MANAGEMENT PLAN.—Not later than 2 years after the date on which the land is acquired, the Secretary shall update the management plan for the Conservation Area to reflect the management requirements of the acquired land.

“(C) MAP AND LEGAL DESCRIPTION.—

“(i) IN GENERAL.—As soon as practicable after the date of enactment of this section [Dec. 19, 2014], the Secretary shall finalize the legal description of the parcel to be conveyed under this subsection.

“(ii) MINOR ERRORS.—The Secretary may correct any minor error in—

“(I) the Map; or

“(II) the legal description.

“(iii) AVAILABILITY.—The Map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

“(l) MILITARY OVERFLIGHTS.—

“(1) FINDINGS.—Congress finds that military aircraft testing and training activities in the State of Nevada—

“(A) are an important part of the national defense system of the United States; and

“(B) are essential in order to secure an enduring and viable national defense system for the current and future generations of people of the United States.

“(2) OVERFLIGHTS.—Nothing in this section [enacting section 460aaaa of this title, amending section 460hhh-6 of this title, and enacting provisions listed in a table of Miscellaneous National Monuments set out under section 320301 of Title 54, National Park Service and Related programs] restricts or precludes any military overflight, including—

“(A) low-level overflights of military aircraft over the Federal land;

“(B) flight testing and evaluation; and

“(C) the designation or creation of new units of special airspace, or the use or establishment of military flight training routes, over—

“(i) the Tule Springs Fossil Beds National Monument established by subsection (a)(2)(A) [enacting provisions listed in a table of Miscellaneous National Monuments set out under section 320301 of Title 54]; or

“(ii) the Red Rock Canyon National Conservation Area established by the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.) (as modified by subsection (b)).”

#### RED ROCK CANYON NATIONAL CONSERVATION AREA PROTECTION AND ENHANCEMENT

Pub. L. 107-282, title I, Nov. 6, 2002, 116 Stat. 1995, provided that:

“SEC. 101. SHORT TITLE.

“This title [amending section 460ccc-1 of this title and enacting this note] may be cited as the ‘Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002’.

“SEC. 102. DEFINITIONS.

“As used in this title:

“(1) CORPORATION.—The term ‘Corporation’ means the Howard Hughes Corporation, an affiliate of the Rouse Company, with its principal place of business at 10000 West Charleston Boulevard, Las Vegas, Nevada.

“(2) RED ROCK CANYON.—The term ‘Red Rock Canyon’ means the Red Rock Canyon National Conservation Area, consisting of approximately 195,780 acres of public lands in Clark County, Nevada, specially designated for protection in the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), as depicted on the Red Rock Canyon Map.

“(3) RED ROCK CANYON MAP.—The term ‘Red Rock Canyon Map’ means the map entitled ‘Southern Ne-

vada Public Land Management Act', dated October 1, 2002.

“SEC. 103. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress makes the following findings:

“(1) Red Rock Canyon is a natural resource of major significance to the people of Nevada and the United States. It must be protected in its natural state for the enjoyment of future generations of Nevadans and Americans, and enhanced wherever possible.

“(2) In 1998, the Congress enacted the Southern Nevada Public Lands [Land] Management Act of 1998 (Public Law 105-263) [see Short Title of 1998 Amendment note set out under section 6901 of Title 31, Money and Finance], which provided among other things for the protection and enhancement of Red Rock Canyon.

“(3) The Corporation owns much of the private land on Red Rock Canyon's eastern boundary, and is engaged in developing a large-scale master-planned community.

“(4) Included in the Corporation's land holdings are 1,071 acres of high-ground lands at the eastern edge of Red Rock Canyon. These lands were intended to be included in Red Rock, but to date have not been acquired by the United States. The protection of this high-ground acreage would preserve an important element of the western Las Vegas Valley viewshed.

“(5) The Corporation has volunteered to forgo development of the high-ground lands, and proposes that the United States acquire title to the lands so that they can be preserved in perpetuity to protect and expand Red Rock Canyon.

“(b) PURPOSES.—The purposes of this title are:

“(1) To accomplish an exchange of lands between the United States and the Corporation that would transfer certain high-ground lands to the United States in exchange for the transfer of other lands of approximately equal value to the Corporation.

“(2) To protect Red Rock Canyon and to expand its boundaries as contemplated by the Bureau of Land Management, as depicted on the Red Rock Canyon Map.

“(3) To further fulfill the purposes of the Southern Nevada Public Lands [Land] Management Act of 1998 and the Red Rock Canyon National Conservation Area Establishment Act of 1990.

“SEC. 104. RED ROCK CANYON LAND EXCHANGE.

“(a) ACQUISITION REQUIREMENT.—If the Corporation offers to convey to the United States all right, title, and interest in and to the approximately 1,082 acres of non-Federal land owned by the Corporation and depicted on the Red Rock Canyon Map as ‘Offered Lands proposed addition to the Red Rock Canyon NCA’, the Secretary shall accept such offer on behalf of the United States, and not later than 90 days after the date of the offer, except as otherwise provided in this title, shall make the following conveyances:

“(1) To the Corporation, the approximately 998 acres of Federal lands depicted on the Red Rock Canyon Map as ‘Public land selected for exchange’.

“(2) To Clark County, Nevada, the approximately 1,221 acres of Federal lands depicted on the Red Rock Canyon Map as ‘Proposed BLM transfer for county park’.

“(b) SIMULTANEOUS CONVEYANCES.—Title to the private property and the Federal property to be conveyed pursuant to this section shall be conveyed at the same time.

“(c) MAP.—The Secretary shall keep the Red Rock Canyon Map on file and available for public inspection in the Las Vegas District Office of the Bureau of Land Management in Nevada, and the State Office of the Bureau of Land Management, Reno, Nevada.

“(d) CONDITIONS.—

“(1) HAZARDOUS MATERIALS.—As a condition of the conveyance under —subsection [sic] (a)(1), the Secretary shall require that the Corporation be respon-

sible for removal of and remediation related to any hazardous materials that are present on the property conveyed to the United States under subsection (a).

“(2) SURVEY.—As a condition of the conveyance under subsection (a)(1), the Secretary shall require that not later than 90 days after the date of the offer referred to in subsection (a), the Corporation shall provide a metes and bounds survey, that is acceptable to the Corporation, Clark County, and the Secretary, of the common boundary between the parcels of land to be conveyed under subsection (a).

“(3) LANDS CONVEYED TO CLARK COUNTY.—As a condition of the conveyance under subsection (a)(2), the Secretary shall require that—

“(A) the lands transferred to Clark County by the United States must be held in perpetuity by the County for use only as a public park or as part of a public regional trail system; and

“(B) if the County attempts to transfer the lands or to undertake a use on the lands that is inconsistent with their preservation and use as described in subparagraph (A), such lands shall, at the discretion of the Secretary, revert to the United States.

“(e) VALUATION.—

“(1) EQUAL VALUE EXCHANGE.—The values of the Federal parcel and the non-Federal parcel, as determined under paragraph (2)—

“(A) shall be equal; or

“(B) if the values are not equal, shall be equalized in accordance with paragraph (3).

“(2) APPRAISAL.—The values of the Federal parcel and the non-Federal parcel shall be determined by an appraisal, to be approved by the Secretary, that complies with the Uniform Standards for Federal Land Acquisitions.

“(3) EQUALIZATION.—

“(A) IN GENERAL.—If the value of the non-Federal parcel is less than the value of the Federal parcel—

“(i) the Corporation shall make a cash equalization payment to the Secretary; or

“(ii) the Secretary shall, as determined to be appropriate by the Secretary and the Corporation, reduce the acreage of the Federal parcel.

“(B) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any cash equalization payments received under subparagraph (A)(i) in accordance with section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

“SEC. 105. STATUS AND MANAGEMENT OF LANDS.

“(a) INCLUSION AND MANAGEMENT OF LANDS.—Upon the date of the enactment of this Act [Nov. 6, 2002], the Secretary shall administer the lands depicted on the Red Rock Map as ‘Public Lands-proposed addition to the Red Rock Canyon NCA’, exclusive of those lands used for the Corps of Engineers R-4 Detention Basin, as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.) and all other applicable laws.

“(b) INCLUSION OF ACQUIRED LANDS.—Upon acquisition by the United States of lands under this Act [Pub. L. 107-282, see Short Title note set out under section 460qqq of this title], the Secretary shall—

“(1) administer the lands as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands [Land] Management Act of 1998 (Public Law 105-263), and all other applicable laws; and

“(2) create new maps showing the boundaries of Red Rock as modified or pursuant to this Act, and make such maps available for review at the Las Vegas District Office of the Bureau of Land Management and the State Office of the Bureau of Land Management, Reno, Nevada.

“(c) CONFORMING AMENDMENT.—[Amended section 460ccc-1 of this title.]

“SEC. 106. GENERAL PROVISIONS.

“(a) REVIEW OF APPRAISAL.—Not later than 90 days after the date of the enactment of this Act [Nov. 6,

2002], the Secretary shall complete a review of the appraisal entitled, 'Complete Self-Contained Appraisal Red Rock Exchange, Las Vegas, Nevada', completed on or about June 3, 2002. The difference in appraisal values shall be reimbursed to the Secretary by the Corporation in accordance with the Southern Nevada Public Lands [Land] Management Act of 1998.

“(b) VALID EXISTING RIGHTS.—The land exchange under this Act shall be subject to valid existing rights. Each party to which property is conveyed under this Act shall succeed to the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing right to which the property is subject.

“(c) TECHNICAL CORRECTIONS.—Nothing in this Act prohibits the parties to the conveyances under this Act from agreeing to the correction of technical errors or omissions in the Red Rock Map.

“(d) WITHDRAWAL OF AFFECTED LANDS.—To the extent not already accomplished under law or administrative action, the Secretary shall withdraw from operation of the public land and mining laws, subject to valid existing rights—

“(1) those Federal lands acquired by the United States under this Act; and

“(2) those Federal lands already owned by the United States on the date of enactment of this Act but included within the Red Rock National Conservation Area boundaries by this Act.”

[For definitions of terms used in title I of Pub. L. 107-282, set out above, see section 3 of Pub. L. 107-282, set out as a note under section 460qqq-1 of this title.]

#### § 460ccc-5. Withdrawal; exchange of lands

(a) Except as specifically authorized in this subchapter, and subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are acquired by the United States after November 16, 1990, for inclusion in the conservation area are withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation under the mineral leasing and geothermal leasing laws, and all amendments thereto.

(b) The Secretary may transfer to the owner of the Old Nevada recreation facility the approximately 20 acres of Federal lands within the conservation area which, on March 1, 1994, were used to provide parking for visitors to such facility, in exchange for lands of equal or greater value within the conservation area acceptable to the Secretary.

(Pub. L. 101-621, §7, Nov. 16, 1990, 104 Stat. 3344; Pub. L. 103-450, §2(b), Nov. 2, 1994, 108 Stat. 4766.)

#### AMENDMENTS

1994—Pub. L. 103-450 designated existing provisions as subsec. (a) and added subsec. (b).

#### § 460ccc-6. Cooperative agreements

In order to encourage unified and cost-effective management and interpretation of natural and cultural resources in the conservation area, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State, and local agencies and nonprofit entities providing for the management and interpretation of natural and cultural resources in the conservation area.

(Pub. L. 101-621, §8, Nov. 16, 1990, 104 Stat. 3345.)

#### § 460ccc-7. Coordinated management

The Secretary shall coordinate the management of the conservation area with that of surrounding State and Federal lands in such a manner as best to meet the present and future needs of the American people.

(Pub. L. 101-621, §9, Nov. 16, 1990, 104 Stat. 3345.)

#### § 460ccc-8. Water

##### (a) Reservation of rights

Within the conservation area designated by this subchapter, there is hereby reserved a quantity of water sufficient to fulfill the purposes for which the conservation area is established.

##### (b) Priority date of reservation

The priority date of the water rights reserved in paragraph<sup>1</sup> (a) shall be November 16, 1990, except that as related to rights associated with lands added to the conservation area after November 16, 1990, the priority date shall be the date of enactment of the Act adding such lands to the conservation area.

##### (c) Protection of rights

The Secretary shall take all steps necessary to protect the water rights reserved by this section, including the filing of a claim for quantification of such rights in any appropriate water adjudication in the courts of the State of Nevada in which the United States is or may be joined and which is conducted in accordance with section 666 of title 43.

##### (d) Effect on previously secured rights

The Federal water rights reserved by this subchapter shall be in addition to any water rights which may have been previously secured by the United States for purposes other than for the conservation area.

##### (e) Scope and construction of rights

The Federal water rights reserved by this subchapter are specific to the conservation area designated by this subchapter. Nothing in this subchapter shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation.

(Pub. L. 101-621, §10, Nov. 16, 1990, 104 Stat. 3345; Pub. L. 103-450, §2(c), Nov. 2, 1994, 108 Stat. 4766.)

#### AMENDMENTS

1994—Subsec. (b). Pub. L. 103-450 inserted before period at end “, except that as related to rights associated with lands added to the conservation area after November 16, 1990, the priority date shall be the date of enactment of the Act adding such lands to the conservation area”.

#### § 460ccc-9. No buffer zones

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not pre-

<sup>1</sup> So in original. Probably should be “subsection”.