

**City of Carson City
Agenda Report**

Date Submitted: July 26, 2011

Agenda Date Requested: August 4, 2011

Time Requested: 15 Minutes

To: Mayor and Supervisors

From: Parks and Recreation Department - Open Space Division

Subject Title: For Possible Action: To authorize the Mayor and City Manager to sign a letter to convey Carson City lands located at the upper reaches of Ash Canyon within the Carson Range to the United States as provided for in Subtitle G, Section 2601, of the Omnibus Public Land Management Act of 2009. (Juan F. Guzman / Lee Plemel)

Staff Summary: By this action the Board of Supervisors will authorize the Mayor and City Manager to sign a letter directed to the U.S. Forest Service and Bureau of Land Management initiating the final process towards the transfer of lands as provided by the Omnibus Public Land Management Act of 2009 relating to Carson City. Carson City will transfer approximately 2,264 acres of land to the U.S. Forest Service and, in exchange, the federal government will transfer approximately 6,482 acres of land to Carson City primarily for natural areas and passive recreation, as well as public municipal purposes and economic development.

Type of Action Requested: (check one)

- Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to authorize the Mayor and City Manager to sign a letter to convey Carson City lands located at the upper reaches of Ash Canyon within the Carson Range to the United States as provided for in Subtitle G, Section 2601, of the Omnibus Public Land Management Act of 2009.

Explanation for Recommended Board Action: Staff has worked on this project for approximately four years and a very intensive citizen participation process was put into place in order to consider proposed transfer of lands between the federal government and Carson City. Most of the preliminary steps necessary to accomplish the transfers have been completed, including a conservation easement, clear title of the lands to be offered, and partial payment of costs associated with the transaction. The bill requires that Carson City offers the land to the federal government. Once the federal government clears the title to the land, a 180-day period commences, at the end of which the federal government must transfer title to Carson City of the federal lands indicated in the map approved as part of the lands bill. Those lands approximate 6,482 acres.

Applicable Statute, Code, Policy, Rule or Regulation:

Carson City Municipal Code, Chapter 13.06

N.R.S. 244.277

Omnibus Public Land Management Act of 2009

Fiscal Impact: Approximately \$600,000

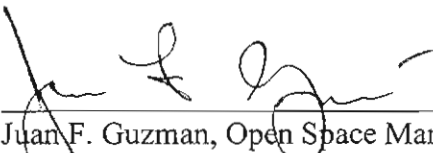
Explanation of Impact: The bill requires that the jurisdiction receiving the land pay for the cost of the transaction. On the U.S. Forest Service lands, the cost includes payment for a Phase I Environmental Review. On the Bureau of Land Management lands, the cost includes payment for Conservation Easement monitoring, cultural resources review, title clearance, and other miscellaneous transfer-related documents.

Funding Source: Quality of Life Open Space Account, the Board approved \$600,000 as part of the budget for the cost of implementing the federal lands bill.

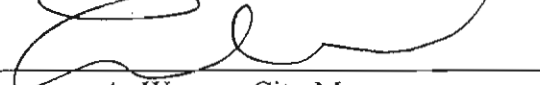
Alternatives: Not to approve.

Supporting Material:

- Draft Letter
- Map

Prepared By:  Date: 7/26/11
Juan F. Guzman, Open Space Manager

Reviewed By:  Date: 7/26/11
Roger Moellendorf, Parks & Recreation Director

 Date: 7/26/11
Lawrence A. Werner, City Manager

 Date: 7/26/11
District Attorney's Office

 Date: 7/26/11
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

August 4, 2011

Mr. Harv Forsgren
Regional Forester
Intermountain Region
U.S. Forest Service
324 - 25th Street
Ogden, UT 84401

Ms. Amy Lueders
Acting State Director
BLM – Nevada State Office
1340 Financial Blvd.
Reno, NV 89502

Re: Transfer of lands with Carson City, Nevada, as authorized by the Omnibus Public Land Management Act of 2009

Dear Mr. Forsgren and Ms. Lueders,

It is my privilege as the Mayor of Carson City to make an offer to transfer lands located in the upper reaches of Ash Canyon to the United States and to convey title of the non-federal lands described in Subtitle G of Section 2601 of the Omnibus Public Land Management Act of 2009. The Carson City lands being offered to the United States approximate 2,264 acres and are further identified in the attached map that was approved as part of this legislation, more specifically the lands offered by Carson City to the United States are labeled under the category of "To U.S. Forest Service."

It is my understanding that once the title to the land is acceptable to the Secretary of Agriculture and, not later than 180 days later, that you, acting on behalf of the Secretary of Agriculture shall convey to Carson City title and interests of the United States to the federal land approximating 935 acres of National Forest System land identified in the attached map as "To Carson City for natural areas."

In addition, the Secretary of Interior, not later than 180 days, shall convey the following: 1) 3,604 acres of Bureau of Land Management land identified on the map as "Silver Saddle Ranch and Carson River Area;" 2) 1,848 acres of Bureau of Land Management land identified on the map as "To Carson City for parks, public purposes;" and 3) 75 acres of city land in which the Bureau of Land Management has a reversionary interest that is identified on the map as "Reversionary Interest of the United States Released."

The legislation also provides that before the conveyance of 62 acres of the Bernhard parcel to the City, the City shall deposit into special account an amount equal to 25% of the difference between the amount for the which the Bernhard parcel was purchased by the City on July 18, 2001 and the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

In addition, the transfer of certain Bureau of Land Management lands are subject to a conservation easement. It is my pleasure to inform you that the conservation easement has been executed between the Bureau of Land Management and Carson City.

Further, it is also provided by the legislation that any costs relating to the conveyance shall be paid by the recipient of the land being conveyed. Carson City and the Bureau of Land Management have entered into a separate agreement towards the provision of funding in order to pay for the referenced expenditures. It is also my privilege to inform you that under separate cover our staff and your designated staff at the Bureau of Land Management and Forest Service will further exchange required deeds and documents necessary for the completion of this transaction.

On behalf of the Board of Supervisors and Carson City residents, we wish to take the opportunity to express our most sincere gratitude for all of the federal agencies' efforts in completing this transaction. These lands will be treasured for our residents as part of the fabric of their community and, as provided in the bill, be the subject of careful stewardship while being available for passive recreation and environmental education.

Very Truly Yours,

Robert L. Crowell
Mayor

Larry A. Werner
City Manager

cc: Jeanne Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest
Genny Wilson, Carson District Ranger, Humboldt-Toiyabe National Forest
Naomi Johnson, LOA Zone Team Leader, R4
Jeanne Evenden, Director of Lands & Minerals, R4
Chris McAlear, Bureau of Land Management, Carson City
Linda Kelly, Bureau of Land Management, Carson City
Lee Plemel, Planning Director, Carson City
Juan F. Guzman, Open Space Manager, Carson City
Dave Dawley, Assessor, Carson City

1 *ment Act of 1996 (Public Law 104-333; 110 Stat. 4147)*

2 *is amended—*

3 *(1) in paragraph (2)—*

4 *(A) by redesignating subparagraphs (I)*

5 *through (N) as subparagraphs (J) through (O),*

6 *respectively; and*

7 *(B) by inserting after subparagraph (H) the*

8 *following:*

9 *“(I) the Environmental Protection Agen-*

10 *cy;”; and*

11 *(2) in paragraph (4), by striking “enactment of*

12 *this Act” and inserting “enactment of the Omnibus*

13 *Public Land Management Act of 2009”.*

14 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*

15 *401(e) of the Omnibus Parks and Public Lands Manage-*

16 *ment Act of 1996 (Public Law 104-333; 110 Stat. 4148)*

17 *is amended by striking “enactment of this Act” and insert-*

18 *ing “enactment of the Omnibus Public Land Management*

19 *Act of 2009”.*

20 ***Subtitle G—Land Conveyances and***
21 ***Exchanges***

22 ***SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.***

23 *(a) DEFINITIONS.—In this section:*

24 *(1) CITY.—The term “City” means Carson City*

25 *Consolidated Municipality, Nevada.*

1 (2) *MAP.*—*The term “Map” means the map enti-*
2 *led “Carson City, Nevada Area”, dated November 7,*
3 *2008, and on file and available for public inspection*
4 *in the appropriate offices of—*

5 (A) *the Bureau of Land Management;*

6 (B) *the Forest Service; and*

7 (C) *the City.*

8 (3) *SECRETARY.*—*The term “Secretary”*
9 *means—*

10 (A) *with respect to land in the National*
11 *Forest System, the Secretary of Agriculture, act-*
12 *ing through the Chief of the Forest Service; and*

13 (B) *with respect to other Federal land, the*
14 *Secretary of the Interior.*

15 (4) *SECRETARIES.*—*The term “Secretaries”*
16 *means the Secretary of Agriculture and the Secretary*
17 *of the Interior, acting jointly.*

18 (5) *TRIBE.*—*The term “Tribe” means the*
19 *Washoe Tribe of Nevada and California, which is a*
20 *federally recognized Indian tribe.*

21 (b) *CONVEYANCES OF FEDERAL LAND AND CITY*
22 *LAND.—*

23 (1) *IN GENERAL.*—*Notwithstanding section 202*
24 *of the Federal Land Policy and Management Act of*
25 *1976 (43 U.S.C. 1712), if the City offers to convey to*

1 *the United States title to the non-Federal land de-*
2 *scribed in paragraph (2)(A) that is acceptable to the*
3 *Secretary of Agriculture—*

4 *(A) the Secretary shall accept the offer; and*

5 *(B) not later than 180 days after the date*
6 *on which the Secretary receives acceptable title to*
7 *the non-Federal land described in paragraph*
8 *(2)(A), the Secretaries shall convey to the City,*
9 *subject to valid existing rights and for no consid-*
10 *eration, except as provided in paragraph (3)(A),*
11 *all right, title, and interest of the United States*
12 *in and to the Federal land (other than any ease-*
13 *ment reserved under paragraph (3)(B)) or inter-*
14 *est in land described in paragraph (2)(B).*

15 *(2) DESCRIPTION OF LAND.—*

16 *(A) NON-FEDERAL LAND.—The non-Federal*
17 *land referred to in paragraph (1) is the approxi-*
18 *mately 2,264 acres of land administered by the*
19 *City and identified on the Map as “To U.S. For-*
20 *est Service”.*

21 *(B) FEDERAL LAND.—The Federal land re-*
22 *ferred to in paragraph (1)(B) is—*

23 *(i) the approximately 935 acres of For-*
24 *est Service land identified on the Map as*
25 *“To Carson City for Natural Areas”;*

1 (ii) the approximately 3,604 acres of
2 Bureau of Land Management land identi-
3 fied on the Map as "Silver Saddle Ranch
4 and Carson River Area";

5 (iii) the approximately 1,848 acres of
6 Bureau of Land Management land identi-
7 fied on the Map as "To Carson City for
8 Parks and Public Purposes"; and

9 (iv) the approximately 75 acres of City
10 land in which the Bureau of Land Manage-
11 ment has a reversionary interest that is
12 identified on the Map as "Reversionary In-
13 terest of the United States Released".

14 (3) CONDITIONS.—

15 (A) CONSIDERATION.—Before the convey-
16 ance of the 62-acre Bernhard parcel to the City,
17 the City shall deposit in the special account es-
18 tablished by subsection (e)(2)(A) an amount
19 equal to 25 percent of the difference between—

20 (i) the amount for which the Bernhard
21 parcel was purchased by the City on July
22 18, 2001; and

23 (ii) the amount for which the Bernhard
24 parcel was purchased by the Secretary on
25 March 24, 2006.

1 (B) CONSERVATION EASEMENT.—As a con-
2 dition of the conveyance of the land described in
3 paragraph (2)(B)(ii), the Secretary, in consulta-
4 tion with Carson City and affected local inter-
5 ests, shall reserve a perpetual conservation ease-
6 ment to the land to protect, preserve, and en-
7 hance the conservation values of the land, con-
8 sistent with paragraph (4)(B).

9 (C) COSTS.—Any costs relating to the con-
10 veyance under paragraph (1), including any
11 costs for surveys and other administrative costs,
12 shall be paid by the recipient of the land being
13 conveyed.

14 (4) USE OF LAND.—

15 (A) NATURAL AREAS.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), the land described in para-
18 graph (2)(B)(i) shall be managed by the
19 City to maintain undeveloped open space
20 and to preserve the natural characteristics
21 of the land in perpetuity.

22 (ii) EXCEPTION.—Notwithstanding
23 clause (i), the City may—

24 (I) conduct projects on the land to
25 reduce fuels;

1 (II) construct and maintain
2 trails, trailhead facilities, and any in-
3 frastructure on the land that is re-
4 quired for municipal water and flood
5 management activities; and

6 (III) maintain or reconstruct any
7 improvements on the land that are in
8 existence on the date of enactment of
9 this Act.

10 (B) SILVER SADDLE RANCH AND CARSON
11 RIVER AREA.—

12 (i) IN GENERAL.—Except as provided
13 in clause (ii), the land described in para-
14 graph (2)(B)(i) shall—

15 (I) be managed by the City to
16 protect and enhance the Carson River,
17 the floodplain and surrounding up-
18 land, and important wildlife habitat;
19 and

20 (II) be used for undeveloped open
21 space, passive recreation, customary
22 agricultural practices, and wildlife
23 protection.

24 (ii) EXCEPTION.—Notwithstanding
25 clause (i), the City may—

1 (I) construct and maintain trails
2 and trailhead facilities on the land;

3 (II) conduct projects on the land
4 to reduce fuels;

5 (III) maintain or reconstruct any
6 improvements on the land that are in
7 existence on the date of enactment of
8 this Act; and

9 (IV) allow the use of motorized ve-
10 hicles on designated roads, trails, and
11 areas in the south end of Prison Hill.

12 (C) *PARKS AND PUBLIC PURPOSES.*—The
13 land described in paragraph (2)(B)(iii) shall be
14 managed by the City for—

15 (i) undeveloped open space; and

16 (ii) recreation or other public purposes
17 consistent with the Act of June 14, 1926
18 (commonly known as the "Recreation and
19 Public Purposes Act") (43 U.S.C. 869 et
20 seq.).

21 (D) *REVERSIONARY INTEREST.*—

22 (i) *RELEASE.*—The reversionary inter-
23 est described in paragraph (2)(B)(iv) shall
24 terminate on the date of enactment of this
25 Act.

1 (ii) CONVEYANCE BY CITY.—

2 (I) IN GENERAL.—If the City
3 sells, leases, or otherwise conveys any
4 portion of the land described in para-
5 graph (2)(B)(iv), the sale, lease, or
6 conveyance of land shall be—

7 (aa) through a competitive
8 bidding process; and

9 (bb) except as provided in
10 subclause (II), for not less than
11 fair market value.

12 (II) CONVEYANCE TO GOVERN-
13 MENT OR NONPROFIT.—A sale, lease, or
14 conveyance of land described in para-
15 graph (2)(B)(iv) to the Federal Gov-
16 ernment, a State government, a unit of
17 local government, or a nonprofit orga-
18 nization shall be for consideration in
19 an amount equal to the price estab-
20 lished by the Secretary of the Interior
21 under section 2741 of title 43, Code of
22 Federal Regulation (or successor regu-
23 lations).

24 (III) DISPOSITION OF PRO-
25 CEEDS.—The gross proceeds from the

1 *sale, lease, or conveyance of land under*
2 *subclause (I) shall be distributed in ac-*
3 *cordance with subsection (e)(1).*

4 (5) *REVERSION.*—*If land conveyed under para-*
5 *graph (1) is used in a manner that is inconsistent*
6 *with the uses described in subparagraph (A), (B), (C),*
7 *or (D) of paragraph (4), the land shall, at the discre-*
8 *tion of the Secretary, revert to the United States.*

9 (6) *MISCELLANEOUS PROVISIONS.*—

10 (A) *IN GENERAL.*—*On conveyance of the*
11 *non-Federal land under paragraph (1) to the*
12 *Secretary of Agriculture, the non-Federal land*
13 *shall—*

14 (i) *become part of the Humboldt-*
15 *Toiyabe National Forest; and*

16 (ii) *be administered in accordance*
17 *with the laws (including the regulations)*
18 *and rules generally applicable to the Na-*
19 *tional Forest System.*

20 (B) *MANAGEMENT PLAN.*—*The Secretary of*
21 *Agriculture, in consultation with the City and*
22 *other interested parties, may develop and imple-*
23 *ment a management plan for National Forest*
24 *System land that ensures the protection and sta-*

1 *bilization of the National Forest System land to*
2 *minimize the impacts of flooding on the City.*

3 (7) *CONVEYANCE TO BUREAU OF LAND MANAGE-*
4 *MENT.—*

5 (A) *IN GENERAL.—If the City offers to con-*
6 *vey to the United States title to the non-Federal*
7 *land described in subparagraph (B) that is ac-*
8 *ceptable to the Secretary of the Interior, the land*
9 *shall, at the discretion of the Secretary, be con-*
10 *veyed to the United States.*

11 (B) *DESCRIPTION OF LAND.—The non-Fed-*
12 *eral land referred to in subparagraph (A) is the*
13 *approximately 46 acres of land administered by*
14 *the City and identified on the Map as “To Bu-*
15 *reau of Land Management”.*

16 (C) *COSTS.—Any costs relating to the con-*
17 *veyance under subparagraph (A), including any*
18 *costs for surveys and other administrative costs,*
19 *shall be paid by the Secretary of the Interior.*

20 (c) *TRANSFER OF ADMINISTRATIVE JURISDICTION*
21 *FROM THE FOREST SERVICE TO THE BUREAU OF LAND*
22 *MANAGEMENT.—*

23 (1) *IN GENERAL.—Administrative jurisdiction*
24 *over the approximately 50 acres of Forest Service*
25 *land identified on the Map as “Parcel #1” is trans-*

1 *ferred, from the Secretary of Agriculture to the Sec-*
2 *retary of the Interior.*

3 (2) *COSTS.*—*Any costs relating to the transfer*
4 *under paragraph (1), including any costs for surveys*
5 *and other administrative costs, shall be paid by the*
6 *Secretary of the Interior.*

7 (3) *USE OF LAND.*—

8 (A) *RIGHT-OF-WAY.*—*Not later than 120*
9 *days after the date of enactment of this Act, the*
10 *Secretary of the Interior shall grant to the City*
11 *a right-of-way for the maintenance of flood man-*
12 *agement facilities located on the land.*

13 (B) *DISPOSAL.*—*The land referred to in*
14 *paragraph (1) shall be disposed of in accordance*
15 *with subsection (d).*

16 (C) *DISPOSITION OF PROCEEDS.*—*The gross*
17 *proceeds from the disposal of land under sub-*
18 *paragraph (B) shall be distributed in accordance*
19 *with subsection (e)(1).*

20 (d) *DISPOSAL OF CARSON CITY LAND.*—

21 (1) *IN GENERAL.*—*Notwithstanding sections 202*
22 *and 203 of the Federal Land Policy and Management*
23 *Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of*
24 *the Interior shall, in accordance with that Act, this*
25 *subsection, and other applicable law, and subject to*

1 *valid existing rights, conduct sales of the Federal land*
2 *described in paragraph (2) to qualified bidders.*

3 (2) *DESCRIPTION OF LAND.—The Federal land*
4 *referred to in paragraph (1) is—*

5 (A) *the approximately 108 acres of Bureau*
6 *of Land Management land identified as “Lands*
7 *for Disposal” on the Map; and*

8 (B) *the approximately 50 acres of land*
9 *identified as “Parcel #1” on the Map.*

10 (3) *COMPLIANCE WITH LOCAL PLANNING AND*
11 *ZONING LAWS.—Before a sale of Federal land under*
12 *paragraph (1), the City shall submit to the Secretary*
13 *a certification that qualified bidders have agreed to*
14 *comply with—*

15 (A) *City zoning ordinances; and*

16 (B) *any master plan for the area approved*
17 *by the City.*

18 (4) *METHOD OF SALE; CONSIDERATION.—The*
19 *sale of Federal land under paragraph (1) shall be—*

20 (A) *consistent with subsections (d) and (f)*
21 *of section 203 of the Federal Land Policy and*
22 *Management Act of 1976 (43 U.S.C. 1713);*

23 (B) *unless otherwise determined by the Sec-*
24 *retary, through a competitive bidding process;*
25 *and*

1 (C) for not less than fair market value.

2 (5) WITHDRAWAL.—

3 (A) IN GENERAL.—Subject to valid existing
4 rights and except as provided in subparagraph
5 (B), the Federal land described in paragraph (2)
6 is withdrawn from—

7 (i) all forms of entry and appropria-
8 tion under the public land laws;

9 (ii) location, entry, and patent under
10 the mining laws; and

11 (iii) operation of the mineral leasing
12 and geothermal leasing laws.

13 (B) EXCEPTION.—Subparagraph (A)(i)
14 shall not apply to sales made consistent with this
15 subsection.

16 (6) DEADLINE FOR SALE.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), not later than 1 year after
19 the date of enactment of this Act, if there is a
20 qualified bidder for the land described in sub-
21 paragraphs (A) and (B) of paragraph (2), the
22 Secretary of the Interior shall offer the land for
23 sale to the qualified bidder.

24 (B) POSTPONEMENT; EXCLUSION FROM
25 SALE.—

1 (i) *REQUEST BY CARSON CITY FOR*
2 *POSTPONEMENT OR EXCLUSION.—At the re-*
3 *quest of the City, the Secretary shall post-*
4 *pone or exclude from the sale under sub-*
5 *paragraph (A) all or a portion of the land*
6 *described in subparagraphs (A) and (B) of*
7 *paragraph (2).*

8 (ii) *INDEFINITE POSTPONEMENT.—Un-*
9 *less specifically requested by the City, a*
10 *postponement under clause (i) shall not be*
11 *indefinite.*

12 (e) *DISPOSITION OF PROCEEDS.—*

13 (1) *IN GENERAL.—Of the proceeds from the sale*
14 *of land under subsections (b)(4)(D)(vi) and (d)(1)—*

15 (A) *5 percent shall be paid directly to the*
16 *State for use in the general education program*
17 *of the State; and*

18 (B) *the remainder shall be deposited in a*
19 *special account in the Treasury of the United*
20 *States, to be known as the “Carson City Special*
21 *Account”, and shall be available without further*
22 *appropriation to the Secretary until expended*
23 *to—*

24 (i) *reimburse costs incurred by the Bu-*
25 *reau of Land Management for preparing for*

1 the sale of the Federal land described in
2 subsection (d)(2), including the costs of—

3 (I) surveys and appraisals; and

4 (II) compliance with—

5 (aa) the National Environ-
6 mental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.); and

8 (bb) sections 202 and 203 of
9 the Federal Land Policy and
10 Management Act of 1976 (43
11 U.S.C. 1712, 1713);

12 (ii) reimburse costs incurred by the
13 Bureau of Land Management and Forest
14 Service for preparing for, and carrying out,
15 the transfers of land to be held in trust by
16 the United States under subsection (h)(1);
17 and

18 (iii) acquire environmentally sensitive
19 land or an interest in environmentally sen-
20 sitive land in the City.

21 (2) SILVER SADDLE ENDOWMENT ACCOUNT.—

22 (A) ESTABLISHMENT.—There is established
23 in the Treasury of the United States a special
24 account, to be known as the “Silver Saddle En-

1 *dowment Account*", consisting of such amounts
2 as are deposited under subsection (b)(3)(A).

3 (B) AVAILABILITY OF AMOUNTS.—Amounts
4 deposited in the account established by para-
5 graph (1) shall be available to the Secretary,
6 without further appropriation, for the oversight
7 and enforcement of the conservation easement es-
8 tablished under subsection (b)(3)(B).

9 (f) URBAN INTERFACE.—

10 (1) IN GENERAL.—Except as otherwise provided
11 in this section and subject to valid existing rights, the
12 Federal land described in paragraph (2) is perma-
13 nently withdrawn from—

14 (A) all forms of entry and appropriation
15 under the public land laws and mining laws;

16 (B) location and patent under the mining
17 laws; and

18 (C) operation of the mineral laws, geo-
19 thermal leasing laws, and mineral material
20 laws.

21 (2) DESCRIPTION OF LAND.—The land referred
22 to in paragraph (1) consists of approximately 19,747
23 acres, which is identified on the Map as "Urban
24 Interface Withdrawal".

1 (3) *INCORPORATION OF ACQUIRED LAND AND IN-*
2 *TERESTS.*—Any land or interest in land within the
3 boundaries of the land described in paragraph (2)
4 that is acquired by the United States after the date
5 of enactment of this Act shall be withdrawn in ac-
6 cordance with this subsection.

7 (4) *OFF-HIGHWAY VEHICLE MANAGEMENT.*—
8 Until the date on which the Secretary, in consultation
9 with the State, the City, and any other interested per-
10 sons, completes a transportation plan for Federal
11 land in the City, the use of motorized and mechanical
12 vehicles on Federal land within the City shall be lim-
13 ited to roads and trails in existence on the date of en-
14 actment of this Act unless the use of the vehicles is
15 needed—

16 (A) for administrative purposes; or

17 (B) to respond to an emergency.

18 (g) *AVAILABILITY OF FUNDS.*—Section 4(e) of the
19 Southern Nevada Public Land Management Act of 1998
20 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117
21 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

22 (1) in paragraph (3)(A)(iv), by striking “Clark,
23 Lincoln, and White Pine Counties and Washoe Coun-
24 ty (subject to paragraph 4))” and inserting “Clark,
25 Lincoln, and White Pine Counties and Washoe Coun-

1 *ty (subject to paragraph 4)) and Carson City (subject*
2 *to paragraph (5))”;*

3 *(2) in paragraph (3)(A)(v), by striking “Clark,*
4 *Lincoln, and White Pine Counties” and inserting*
5 *“Clark, Lincoln, and White Pine Counties and Car-*
6 *son City (subject to paragraph (5))”;*

7 *(3) in paragraph (4), by striking “2011” and in-*
8 *serting “2015”; and*

9 *(4) by adding at the end the following:*

10 *“(5) LIMITATION FOR CARSON CITY.—Carson*
11 *City shall be eligible to nominate for expenditure*
12 *amounts to acquire land or an interest in land for*
13 *parks or natural areas and for conservation initia-*
14 *tives—*

15 *“(A) adjacent to the Carson River; or*

16 *“(B) within the floodplain of the Carson*
17 *River.”.*

18 *(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR*
19 *WASHOE TRIBE.—*

20 *(1) IN GENERAL.—Subject to valid existing*
21 *rights, all right, title, and interest of the United*
22 *States in and to the land described in paragraph*
23 *(2)—*

24 *(A) shall be held in trust by the United*
25 *States for the benefit and use of the Tribe; and*

1 (B) shall be part of the reservation of the
2 Tribe.

3 (2) DESCRIPTION OF LAND.—The land referred
4 to in paragraph (1) consists of approximately 293
5 acres, which is identified on the Map as “To Washoe
6 Tribe”.

7 (3) SURVEY.—Not later than 180 days after the
8 date of enactment of this Act, the Secretary of Agri-
9 culture shall complete a survey of the boundary lines
10 to establish the boundaries of the land taken into trust
11 under paragraph (1).

12 (4) USE OF LAND.—

13 (A) GAMING.—Land taken into trust under
14 paragraph (1) shall not be eligible, or considered
15 to have been taken into trust, for class II gaming
16 or class III gaming (as those terms are defined
17 in section 4 of the Indian Gaming Regulatory
18 Act (25 U.S.C. 2703)).

19 (B) TRUST LAND FOR CEREMONIAL USE
20 AND CONSERVATION.—With respect to the use of
21 the land taken into trust under paragraph (1)
22 that is above the 5,200' elevation contour, the
23 Tribe—

24 (i) shall limit the use of the land to—

- 1 (I) traditional and customary
2 uses; and
3 (II) stewardship conservation for
4 the benefit of the Tribe; and
5 (ii) shall not permit any—
6 (I) permanent residential or rec-
7 reational development on the land; or
8 (II) commercial use of the land,
9 including commercial development or
10 gaming.
- 11 (C) TRUST LAND FOR COMMERCIAL AND
12 RESIDENTIAL USE.—With respect to the use of
13 the land taken into trust under paragraph (1),
14 the Tribe shall limit the use of the land below the
15 5,200' elevation to—
16 (i) traditional and customary uses;
17 (ii) stewardship conservation for the
18 benefit of the Tribe; and
19 (iii)(I) residential or recreational de-
20 velopment; or
21 (II) commercial use.
- 22 (D) THINNING; LANDSCAPE RESTORA-
23 TION.—With respect to the land taken into trust
24 under paragraph (1), the Secretary of Agri-
25 culture, in consultation and coordination with

1 *the Tribe, may carry out any thinning and other*
2 *landscape restoration activities on the land that*
3 *is beneficial to the Tribe and the Forest Service.*

4 (i) *CORRECTION OF SKUNK HARBOR CONVEYANCE.—*

5 (1) *PURPOSE.—The purpose of this subsection is*
6 *to amend Public Law 108–67 (117 Stat. 880) to make*
7 *a technical correction relating to the land conveyance*
8 *authorized under that Act.*

9 (2) *TECHINICAL CORRECTION.—Section 2 of Pub-*
10 *lic Law 108–67 (117 Stat. 880) is amended—*

11 (A) *by striking “Subject to” and inserting*
12 *the following:*

13 “(a) *IN GENERAL.—Subject to”;*

14 (B) *in subsection (a) (as designated by*
15 *paragraph (1)), by striking “the parcel” and all*
16 *that follows through the period at the end and*
17 *inserting the following: “and to approximately*
18 *23 acres of land identified as ‘Parcel A’ on the*
19 *map entitled ‘Skunk Harbor Conveyance Correc-*
20 *tion’ and dated September 12, 2008, the western*
21 *boundary of which is the low water line of Lake*
22 *Tahoe at elevation 6,223.0’ (Lake Tahoe*
23 *Datum).”;* and

24 (C) *by adding at the end the following:*

25 “(b) *SURVEY AND LEGAL DESCRIPTION.—*

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after the date of enactment of this subsection, the Sec-
3 retary of Agriculture shall complete a survey and
4 legal description of the boundary lines to establish the
5 boundaries of the trust land.

6 “(2) *TECHNICAL CORRECTIONS.*—The Secretary
7 may correct any technical errors in the survey or
8 legal description completed under paragraph (1).

9 “(c) *PUBLIC ACCESS AND USE.*—Nothing in this Act
10 prohibits any approved general public access (through exist-
11 ing easements or by boat) to, or use of, land remaining
12 within the Lake Tahoe Basin Management Unit after the
13 conveyance of the land to the Secretary of the Interior, in
14 trust for the Tribe, under subsection (a), including access
15 to, and use of, the beach and shoreline areas adjacent to
16 the portion of land conveyed under that subsection.”.

17 (3) *DATE OF TRUST STATUS.*—The trust land de-
18 scribed in section 2(a) of Public Law 108-67 (117
19 Stat. 880) shall be considered to be taken into trust
20 as of August 1, 2003.

21 (4) *TRANSFER.*—The Secretary of the Interior,
22 acting on behalf of and for the benefit of the Tribe,
23 shall transfer to the Secretary of Agriculture adminis-
24 trative jurisdiction over the land identified as “Parcel

1 *B*” on the map entitled “*Skunk Harbor Conveyance*
2 *Correction*” and dated September 12, 2008.

3 *(j) AGREEMENT WITH FOREST SERVICE.—The Sec-*
4 *retary of Agriculture, in consultation with the Tribe, shall*
5 *develop and implement a cooperative agreement that en-*
6 *sure regular access by members of the Tribe and other peo-*
7 *ple in the community of the Tribe across National Forest*
8 *System land from the City to Lake Tahoe for cultural and*
9 *religious purposes.*

10 *(k) ARTIFACT COLLECTION.—*

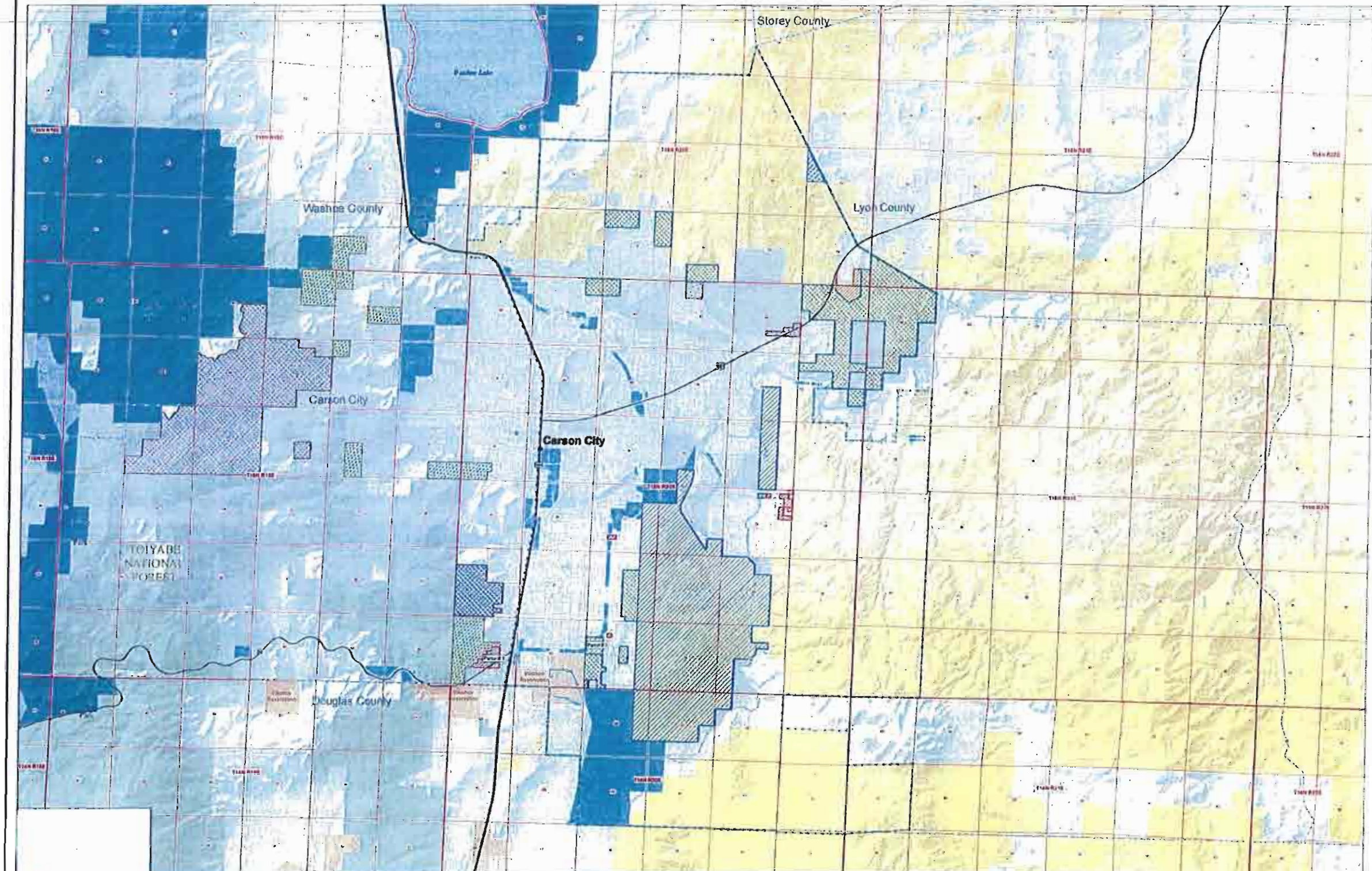
11 *(1) NOTICE.—At least 180 days before con-*
12 *ducting any ground disturbing activities on the land*
13 *identified as “Parcel #2” on the Map, the City shall*
14 *notify the Tribe of the proposed activities to provide*
15 *the Tribe with adequate time to inventory and collect*
16 *any artifacts in the affected area.*

17 *(2) AUTHORIZED ACTIVITIES.—On receipt of no-*
18 *tice under paragraph (1), the Tribe may collect and*
19 *possess any artifacts relating to the Tribe in the land*
20 *identified as “Parcel #2” on the Map.*

21 *(l) AUTHORIZATION OF APPROPRIATIONS.—There are*
22 *authorized to be appropriated such sums as are necessary*
23 *to carry out this section.*

Carson City, Nevada Area

This map prepared at the request of Senator Harry Reid
November 7, 2008



Proposed Actions

- Urban Interface Withdrawal Boundary
- Reversionary Interest of the United States released
- Lands for Disposal
- Silver Saddle Ranch and Carson River Area
- To Bureau of Land Management
- To Carson City for Natural Areas
- To Carson City for Parks and Public Purposes
- To US Forest Service
- To Washoe Tribe

- CA 44 & Towns
- US Highway
- Local Streets
- County/City Boundary
- Townships
- Section
- City of Carson City
- State Administered
- Washoe Tribal Land
- BLM Pending
- USFS Pending
- Washoe Reversion
- Bureau of Land Management
- Forest Service
- Nevada State
- Private
- State Park
- Lake/River



This map is intended to be plotted at 1/34" = 4'