

107TH CONGRESS  
2D SESSION

# H. R. 4141

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## AN ACT

To authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.



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To authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Red Rock Canyon Na-  
3 tional Conservation Area Protection and Enhancement  
4 Act of 2002”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act, the following definitions apply:

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

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

20 (3) RED ROCK MAP.—The term “Red Rock  
21 Map” means the map entitled “H.R. 4141–Bound-  
22 ary Modifications”, dated July 1, 2002.

23 (4) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior.

1 **SEC. 3. FINDINGS AND PURPOSES.**

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

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

9 (2) In 1998, the Congress enacted the Southern  
10 Nevada Public Lands Management Act of 1998  
11 (Public Law 105–263), which provided among other  
12 things for the protection and enhancement of Red  
13 Rock.

14 (3) The Corporation owns much of the private  
15 land on Red Rock’s eastern boundary, and is en-  
16 gaged in developing a large-scale master-planned  
17 community.

18 (4) Included in the Corporation’s land holdings  
19 are 1,071 acres of high-ground lands at the eastern  
20 edge of Red Rock. These lands were intended to be  
21 included in Red Rock, but to date have not been ac-  
22 quired by the United States. The protection of this  
23 high-ground acreage would preserve an important  
24 element of the western Las Vegas Valley view-shed.

25 (5) The Corporation has volunteered to forgo  
26 development of the high-ground lands, and proposes

1 that the United States acquire title to the lands so  
2 that they can be preserved in perpetuity to protect  
3 and expand Red Rock.

4 (b) PURPOSES.—This Act has the following purposes:

5 (1) To accomplish an exchange of lands be-  
6 tween the United States and the Corporation that  
7 would transfer certain high-ground lands to the  
8 United States in exchange for the transfer of other  
9 lands of approximately equal value to the Corpora-  
10 tion.

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

14 (3) To further fulfill the purposes of the South-  
15 ern Nevada Public Lands Management Act of 1998  
16 and the Red Rock Canyon National Conservation  
17 Area Establishment Act of 1990.

18 **SEC. 4. RED ROCK LAND EXCHANGE.**

19 (a) ACQUISITION REQUIREMENT.—If the Corporation  
20 offers to convey to the United States all right, title, and  
21 interest in and to the approximately 1,082 acres of non-  
22 federal land owned by the Corporation and depicted on  
23 the Red Rock Map as “OFFERED LANDS TO BE IN-  
24 CORPORATED INTO NCA”, the Secretary shall accept  
25 such offer on behalf of the United States, and not later

1 than 90 days after the date of the offer, except as other-  
2 wise provided in this Act, shall make the following convey-  
3 ances:

4           (1) To the Corporation, the approximately 998  
5 acres of Federal lands depicted on the Red Rock  
6 Map as “BLM LANDS SELECTED FOR EX-  
7 CHANGE”.

8           (2) To Clark County, Nevada, the approxi-  
9 mately 1,221 acres of Federal lands depicted on the  
10 Red Rock Map as “BLM LANDS FOR CLARK  
11 COUNTY PARK”.

12       (b) SIMULTANEOUS CONVEYANCES.—Title to the pri-  
13 vate property and the Federal property to be conveyed  
14 pursuant to this section shall be conveyed at the same  
15 time.

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

21       (d) CONDITIONS—

22           (1) HAZARDOUS MATERIALS.—As a condition of  
23 the conveyance under subsection (a)(1), the Sec-  
24 retary shall require that the Corporation be respon-  
25 sible for removal of and remediation related to any

1 hazardous materials that are present on the property  
2 conveyed to the United States under subsection (a).

3 (2) SURVEY.—As a condition of the conveyance  
4 under subsection (a)(1), the Secretary shall require  
5 that not later than 90 days after the date of the  
6 offer referred to in subsection (a), the Corporation  
7 shall provide a metes and bounds survey, that is ac-  
8 ceptable to the Corporation, Clark County, and the  
9 Secretary, of the common boundary between the par-  
10 cels of land to be conveyed under subsection (a).

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

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

18 (B) if the County attempts to transfer the  
19 lands or to undertake a use on the lands that  
20 is inconsistent with their preservation and use  
21 as described in subparagraph (A), such lands  
22 shall revert to the United States.

23 **SEC. 5. STATUS AND MANAGEMENT OF LANDS.**

24 (a) INCLUSION OF BASIN LANDS.—Upon the date of  
25 the enactment of this Act, the Secretary shall administer

1 the lands depicted on the Red Rock Map as “Flood Con-  
2 trol Detention Basin Lands”, exclusive of those lands used  
3 for the Corps of Engineers R-4 Detention Basin, as part  
4 of Red Rock and in accordance with the Red Rock Canyon  
5 National Conservation Area Establishment Act of 1990  
6 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public  
7 Lands Management Act of 1998 (Public Law 105-263),  
8 and all other applicable laws.

9 (b) INCLUSION OF ACQUIRED LANDS; MAPS RE-  
10 FLECTING BOUNDARY ADJUSTMENTS.—Upon acquisition  
11 by the United States of lands under this Act, the Sec-  
12 retary shall—

13 (1) administer the lands as part of Red Rock  
14 and in accordance with the Red Rock Canyon Na-  
15 tional Conservation Area Establishment Act of 1990  
16 (16 U.S.C. 460ccc et seq.), the Southern Nevada  
17 Public Lands Management Act of 1998 (Public Law  
18 105-263), and all other applicable laws; and

19 (2) create new maps showing the boundaries of  
20 Red Rock as modified by or pursuant to this Act,  
21 and make such maps available for review at the Las  
22 Vegas District Office of the Bureau of Land Man-  
23 agement and the State Office of the Bureau of Land  
24 Management, Reno, Nevada.

1           (c) CONFORMING AMENDMENT.—Section 3(a)(2) of  
2 the Red Rock Canyon National Conservation Area Estab-  
3 lishment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is  
4 amended by inserting before the period the following: “,  
5 and such additional areas as are included in the conserva-  
6 tion area pursuant to the Red Rock Canyon National Con-  
7 servation Area Protection and Enhancement Act of  
8 2002”.

9 **SEC. 6. GENERAL PROVISIONS.**

10           (a) REVIEW OF APPRAISAL.—Not later than 90 days  
11 after the date of the enactment of this Act, the Secretary  
12 shall complete a review of the appraisal entitled “Complete  
13 Self-Contained Appraisal Red Rock Exchange, Las Vegas,  
14 Nevada”, completed on or about June 3, 2002. The dif-  
15 ference in appraisal values shall be reimbursed to the Sec-  
16 retary by the Corporation in accordance with the Southern  
17 Nevada Public Lands Management Act of 1998.

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

24           (c) TECHNICAL CORRECTIONS.—Nothing in this Act  
25 prohibits the parties to the conveyances under this Act

1 from agreeing to the correction of technical errors or omis-  
2 sions in the Red Rock Map.

3 (d) WITHDRAWAL OF AFFECTED LANDS.—To the ex-  
4 tent not already accomplished under law or administrative  
5 action, the Secretary shall withdraw from operation of the  
6 public land and mining laws, subject to valid existing  
7 rights—

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

10 (2) those Federal lands already owned by the  
11 United States on the date of the enactment of this  
12 Act but included within the Red Rock National Con-  
13 servation Area boundaries by this Act.

Passed the House of Representatives October 1,  
2002.

Attest:

*Clerk.*