

City of Carson City
Agenda Report

Item # 8-2B

Date Submitted: September 7, 2010

Agenda Date Requested: September 16, 2010

Time Requested: Consent

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to authorize the City Manager or his designee to enter into an agreement with the Bureau of Land Management, Carson City Field Office, for the purpose of funding the costs of transferring federal properties to Carson City. (Juan F. Guzman)

Staff Summary: The Omnibus Public Land Management Act of 2009 provides for Carson City to pay any costs related to the conveyances of land from the Bureau of Land Management to Carson City, Nevada. An account will be established for Carson City to pay for the expenditures related to the land conveyances. Initial deposit into the account will be of \$10,000. The overall cost is estimated at \$128,900.

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 City Manager or his designee to enter into an agreement with the Bureau of Land Management, Carson City Field Office, for the purpose of funding the costs of transferring federal properties to Carson City.

Explanation for Recommended Board Action: The Board of Supervisors has previously authorized the Planning Director and the Open Space Manager to continue working towards the implementation of the Federal Lands Bill in Carson City. This agreement provides for the next logical step so that transfers may be completed within the next six months. The agreement will follow the prior direction provided by the Board of Supervisors regarding the priority and order of the properties to be transferred. There is the opportunity for Carson City to obtain a refund of any balance in this account that is not needed to complete the transactions. In addition to the agreement itself, please see attached a document entitled "Financial Plan" which itemizes the estimated costs of the transactions that need to be completed.

Applicable Statute, Code, Policy, Rule or Regulation: The Omnibus Public Land Management Act of 2009.

Fiscal Impact: Initially \$10,000. Eventually an estimated \$128,900.

Explanation of Impact: These monies will be deposited into a special account to be established by the Bureau of Land Management for the purpose of covering the cost of five major tasks necessary in order to transfer the lands.

Funding Source: Initially the Open Space Program with contribution from the Public Works Department based on the benefit to that department's functions.

Alternatives:

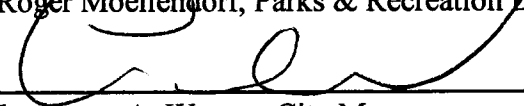
- 1) Not to authorize the City Manager or his designee to sign the agreement.
- 2) Direct staff to negotiate a different agreement.

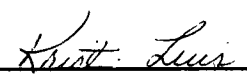
Supporting Material:

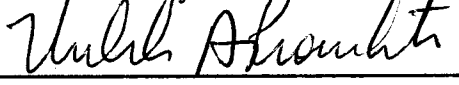
- Proposed agreement for contributed funds for land conveyances to Carson City, Nevada, between Carson City and the Bureau of Land Management, Carson City Field Office
- Financial Plan itemizing the costs of the transfer of these lands
- Minutes and staff report for Board of Supervisors action on December 3, 2009

Prepared By:  **Date:** 9, 7, 10
 Juan/F. Guzman, Open Space Manager

Reviewed By:  **Date:** 9, 7, 10
 Roger Moellendorf, Parks & Recreation Director

 **Date:** 9, 7, 10
 Lawrence A. Werner, City Manager

 **Date:** 9, 7, 10
 District Attorney's Office

 **Date:** 9, 7, 10
 Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay

 2: _____

 (Vote Recorded By)



United States Department of the Interior



AUG 18 2010

BUREAU OF LAND MANAGEMENT
Carson City District – Sierra Front Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701-1448
http://www.blm.gov/nv/st/en/fo/carson_city_field.html

In Reply Refer To:
2000 (NVC0200)

AUG 18 2010

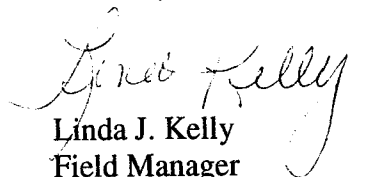
Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701

Dear Mr. Werner:

As you know, the Omnibus Public Land Management Act of 2009, provides that Carson City pay any costs related to the legislated conveyances of land from the Bureau of Land Management to Carson City, Nevada. We propose to establish a contributed fund account to receive funds and track expenditures related to the conveyances. We have enclosed 2 copies of an Agreement and Financial Plan that reflect major tasks and estimates for anticipated labor and related costs to complete the land conveyances. In development of the Financial Plan we have made the assumption that the land transfers between the USFS and Carson City will be completed within the next 6 months. Any substantial delays in that process would impact the timing of the BLM conveyances and likely require modifications to the Financial Plan.

Please review these documents and if you concur, sign and return both copies of the Agreement along with an initial contribution of \$10,000 for initiation of the land conveyance work. We will make every effort to minimize our administrative costs associated with this process. If you have questions or concerns regarding any of this information or the conveyance process, please contact Jo Ann Hufnagle, Lead Realty Specialist, or Dan Jacquet, Community Liaison at 775 885-6000.

Sincerely,


Linda J. Kelly
Field Manager
Sierra Front Field Office

Enclosures

**AGREEMENT
FOR
CONTRIBUTED FUNDS FOR LAND CONVEYANCES TO CARSON CITY, NEVADA**

The Omnibus Public Land Management Act of 2009, P.L. 111-11, Title II, Bureau of Land Management Authorizations, Subtitle G-Land Conveyances and Exchanges, Sec. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES, (b)(3)(C) Costs, provides that Carson City, Nevada shall pay any costs, including any costs for surveys and other administrative costs relating to the conveyance of:

- the approximately 3,604 acres of Bureau of Land Management land identified as the “*Silver Saddle Ranch and Carson River Area*”
- the approximately 1,848 acres of BLM land identified as “*To Carson City for Parks and Public Purposes*”
- the approximately 75 acres of City land that is identified as “*Reversionary Interest of the United States released*”

This agreement between the Bureau of Land Management, Carson City District, Sierra Front Field Office (BLM) and Carson City, Nevada (Carson City) is for the purpose of recovering costs incurred by (BLM) related to the identified land conveyances.

BLM and Carson City agree to the following:

The costs in the attached financial plan are reasonable estimates and Carson City agrees to contribute funds to cover BLM's costs. BLM will establish a special account for the contributed funds and will closely track expenditures and make information on expenditures available to Carson City upon request.

No deficit spending to the special account will be permitted. If sufficient funds are unavailable, BLM work on the conveyances will be delayed until additional funds are deposited by Carson City.

Revision of the financial plan is proper when it appears that the total costs will exceed the total estimate in the financial plan by ten percent or more. Refunding of any balance remaining in this account will take place within 180 days of the conveyance of the identified lands to Carson City.

This agreement shall remain in effect until the conveyances are complete and any funds remaining in the special account have been refunded to Carson City, or until BLM and Carson City, mutually agree, revision or termination of the agreement is appropriate.

Approved:

Carson City, Nevada

Date

Bureau of Land Management

Date

**CONTRIBUTED FUNDS FOR LAND CONVEYANCES TO CARSON CITY, NEVADA
FINANCIAL PLAN**

<u>Major Tasks</u>	<u>Estimated Costs</u>	<u>Estimated Schedule</u>
Issue Conveyance Documents for Reversionary Interests (75 acres)	\$ 5,500	9/2010 - 12/2010
Develop Legal Descriptions for Land Conveyances (Includes estimated survey work)	\$ 43,200	10/2010 - 10/2011
Identification of Existing Rights on Conveyance Land (surface & minerals)	\$ 19,400	10/2010 - 10/2011
Preparation of National Environmental Policy Act (NEPA) Document	\$ 50,600	10/2010 - 3/2011
Preparation of Conveyance Documents	\$ 10,200	04/2011 - 12/2011
	Total Estimated Costs	
	\$128,900	

Estimated costs include estimated labor costs, supplies and other miscellaneous costs and indirect costs for establishment and maintenance of cost recovery account at the BLM's National Operations Center. The current indirect cost rate of 17.1% was used for these calculations. This rate is subject to change.

This plan includes estimated costs for BLM Carson City, BLM Nevada State Office and the BLM National Operations Center. The plan does not include costs Carson City may choose to expend on 3rd party work on any studies or reports prepared for BLM review and approval to assist with or expedite the land conveyances.

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Carson City, Nevada

Date

Bureau of Land Management

Date

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CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 3, 2009 Meeting
Page 15

In reference to paragraph 8, Development Schedule, of the Request for Proposal included in the agenda materials, Supervisor Aldean suggested requesting the respondents to provide a phasing plan to minimize interference with the existing landfill operation. She commended the requirement for respondents to submit proposals and statements of qualification on recycled paper. She noted a necessary correction to Section 4.1 of the Request for Proposal. Supervisor Williamson commended the innovation and timing of the proposal, and cautioned staff against further reducing fees for non-residents. She commended the City's landfill operation and management. Mayor Crowell commended City staff for conducting due diligence on the proposal. He noted the City's unique position to entertain the proposal because of owning the landfill.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to direct staff to seek proposals for the construction and operation of a resources recovery and waste-to-energy facility at the Carson City Sanitary Landfill. Supervisor Walt seconded the motion. Motion carried 5-0.**

28. PUBLIC WORKS DEPARTMENT PLANNING DIVISION; OPEN SPACE MANAGER - ACTION TO PROVIDE RECOMMENDATIONS TO THE BUREAU OF LAND MANAGEMENT ("BLM") REGARDING THE SALE OF CERTAIN BLM PROPERTIES IDENTIFIED FOR DISPOSAL IN THE OMNIBUS PUBLIC LANDS MANAGEMENT ACT OF 2009, APNs 009-032-03, 10-061-77, 10-062-60, 10-064-01, 10-082-04, 10-083-06, 10-084-02, AND -03, 10-087-05, -06, -07, AND -08, 10-093-03 AND -05, 10-094-02, 10-097-02, 10-098-01 AND -02, 10-192-04, AND PORTIONS OF APNs 008-011-19, 008-521-20, 009-301-01, AND 009-273-02 (11:26:10) - Mayor Crowell introduced this item. Open Space / Property Manager Juan Guzman advised that he was present on behalf of Planning Division Director Lee Plemel, reviewed the agenda report, and narrated a SlideShow presentation.

Mayor Crowell entertained public comment. (11:36:12) Dan Jacquet, of the Bureau of Land Management, advised that BLM representatives have been working with Mr. Plemel and Mr. Guzman over the past few months. He expressed agreement with the recommended action, and commended it as in the best interests of both the BLM and the City.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to direct staff to forward to the Bureau of Land Management the recommendations for disposal of BLM properties in accordance with the provisions of the Omnibus Public Lands Management Act of 2009, as presented by staff. Supervisor Livermore seconded the motion. Motion carried 5-0.**

29. PUBLIC WORKS DEPARTMENT PLANNING AND ZONING - ACTION TO ADOPT BILL NO. 128, ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "ANIMALS AND FOWL," AND OTHER MATTERS PROPERLY RELATED THERETO (11:37:40) - Mayor Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, and advised of having received no additional comment since introduction on first reading. She noted the proposed ordinance is consistent with Title 7, Animals.

**City of Carson City
Agenda Report**

Date Submitted: November 23, 2009

Agenda Date Requested: December 3, 2009

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Public Works-Planning Division; Open Space Manager

Subject Title: Action to provide recommendations to the Bureau of Land Management (BLM) regarding the sale of certain BLM properties identified for disposal in the Omnibus Public Land Management Act of 2009, APN's 9-032-03, 10-061-77, 10-062-60, 10-064-01, 10-082-04, 10-083-06, 10-084-02 and -03, 10-087-05, -06, -07 and -08, 10-093-03 and -05, 10-094-02, 10-097-02, 10-098-01 and -02, 10-192-04, and portions of APN's 8-011-19, 8-521-20, 9-301-01, and 9-273-02. (Juan Guzman)

Staff Summary: The Act provides that certain BLM properties are to be offered for sale at public auction by March 2010 unless the City directs BLM to delay any sales. A total of approximately 150 acres of BLM land are identified for sale in the bill.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to direct staff to forward to BLM the recommendations for disposal of BLM properties in accordance with the provisions of the Omnibus Public Land Management Act of 2009 as presented by staff.

Explanation for Recommended Board Action: Staff recommends pursuing the sale of certain properties where interest has been expressed in the purchase of the property and where the sale can be accomplished with minimal up-front survey costs incurred by BLM. It is recommended to delay the sale of other properties until market conditions improve and other identified issues are addressed. See the attached memo for more detail and explanation regarding the proposed action.

Applicable Statute, Code, Policy, Rule or Regulation: Omnibus Public Land Act of 2009.

Fiscal Impact: None.

Explanation of Impact: The cost of the sale of the subject federal properties is the responsibility of BLM, per the Act. The sale of the properties will have positive impact to Carson City revenue through an increase in property taxes collected on the properties when they are in private ownership.


Funding Source: N/A

Alternatives: 1) Modify staff's recommendations and forward them to BLM.

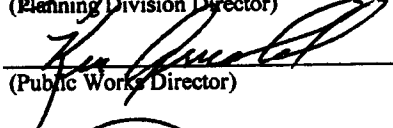
Supporting Material:

- 1) Staff memo and recommendations
- 2) Omnibus Public Land Act of 2009 (Carson City portion)
- 3) Carson City Lands Bill Map


Prepared By: Lee Plemel, Planning Director

Reviewed By: 


(Planning Division Director)




(Public Works Director)



(Parks & Recreation Director)



(City Manager)



(District Attorney's Office)

Date: 11/23/09

Date: 11/23/09

Date: _____

Date: 11-23-09

Date: 11-23-09

Board Action Taken:

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

(Vote Recorded By)



Carson City Planning Division

2621 Northgate Lane, Suite 62

Carson City, Nevada 89706

(775) 887-2180

Plandiv@ci.carson-city.nv.us

www.carson-city.nv.us

MEMORANDUM

Board of Supervisors meeting of December 3, 2009

TO: Mayor and Board of Supervisors

FROM: Lee Plemel, Planning Director; Juan Guzman, Open Space Manager

DATE: November 20, 2009

SUBJECT: Direction to BLM regarding the sale of federal properties pursuant to the Omnibus Public Land Management Act of 2009.

The Omnibus Public Land Management Act of 2009 (the "Act") was signed by the President of the United States in March 2009. The bill provides for the disposition of more than 8,000 acres of federal lands within Carson City, including the sale of approximately 150 acres of federal land by BLM. The Act further provides that the lands are to be sold within one year of the enactment of the Act unless Carson City postpones or excludes the properties from sale. The purpose of this action is to provide direction to BLM on the timing of sales of certain properties before the one-year deadline arrives.

The Act designates several properties for sale by BLM. Those properties are described in this staff report as follows (refer to the maps below in this memo and the attached Lands Bill Map):

- 1) "Parcel 1" – Approximately 50 acres (subject to the NDOT right-of-way through the property) at Highway 50 West near South Carson Street.
- 2) "South Edmonds" – Approximately 2 acres on South Edmonds Drive between Clearview Drive and Bennett Drive.
- 3) "Pinion Hills Parcels" – Fourteen parcels of approximately 2 acres each in the Pinion Hills neighborhood.
- 4) "Flint Drive" – Approximately 60 acres adjacent to Flint Drive near Highway 50 East.
- 5) "Colorado Street" – Approximately 5 acres at Colorado Street and South Edmonds Drive, predominantly within the future freeway right-of-way.

BLM is required to bear the cost of the sale of these properties. The properties are required to be offered by competitive bid for not less than fair market value. The City will certify to BLM that qualified bidders have agreed to comply with the City Master Plan and zoning ordinances prior to sale. The proceeds from the sale of these properties are required to be distributed as follows:

- 5 percent is paid directly to the State for the general education program.
- 95 percent goes into a special account in the Treasury of the United States available to the Secretary of the Interior to be used for:
 - Reimbursing BLM for the costs of selling these properties;
 - Reimbursing BLM and the Forest Service for the cost of transferring other lands described in the Act to Carson City; and
 - Acquisition of environmentally sensitive land or an interest (e.g. conservation easement) in environmentally sensitive land in the City.

Following are the recommendations for sale of the specific properties identified in the Act. Note that it is estimated that it could take approximately 12-18 months to complete the sale of any property from initiating the sale process. Also note that BLM does not have dedicated funds to use to initiate the sale of properties, including any necessary environmental impact reports. Therefore, the “easier” parcels to sell, e.g. those that do not require extensive surveying, are recommended to be sold first to generate money to fund additional sales.

1) Parcel 1 – Highway 50 West near South Carson Street (see map below).

Parcel 1A Priority: Initiate the sale of Parcel 1A immediately, approximately 3 acres behind the existing Costco building, subject to granting a right-of-way to Carson City over the south portion of the property containing drainage facilities within an existing easement.

Parcel 1B Priority: Postpone the sale indefinitely pending further direction from Carson City after investigation of existing easements and rights-of-way for the NDOT materials operation.

PARCEL #1



2) South Edmonds

Priority: Initiate the sale of South Edmonds property immediately.

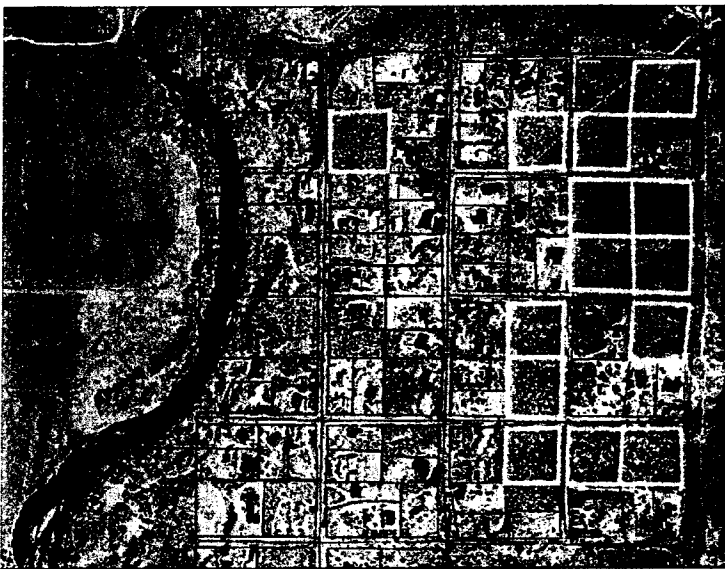
SOUTH EDMOND DRIVE PARCEL



3) Pinion Hills Parcels

Priority: Postpone the sale of the Pinion Hills parcels indefinitely in order to explore options for disposal of the parcels. Some of the parcels do not have roads to the property frontage and have other topographic constraints.

PINION HILLS PARCELS



4) Flint Drive

Priority: Postpone the sale of the Flint Drive property indefinitely. Parcel A shall be sold as one property to facilitate cohesive development of the property. Parcel B should be offered to the adjacent private property owner to the east of Parcel B to allow the property owner to improve their highway frontage and prevent another owner from controlling the highway frontage adjacent to the current private lands.

Rationale: The sale of this property will require survey work to determine the property boundaries along Flint Drive and Eastgate Drive. Adequate right-of-way must be maintained along Flint Drive and Eastgate Drive to accommodate future access and roadway improvement for the development of this property, and this access requirement still needs to be determined. BLM currently does not have funding available to complete the required survey work. The sale of other properties will help fund the work necessary to sell this property.

Also, the V&T Railroad is exploring the possibility of using this property for a permanent depot site. The delay of the sale will give more time to explore the various alternatives for the sale and development of the property.

FLINT DRIVE PARCELS



5) Colorado Street

Priority: Postpone the sale of the Colorado Street property indefinitely pending the completion of the freeway through the property to determine what remaining land is available.

COLORADO STREET PARCEL



Summary of Recommendations:

1A) Initiate the sale of Parcel 1A (approximately 3 acres) immediately, subject to the exclusion of a right-of-way to Carson City for existing drainage improvements.

1B) Postpone the sale of Parcel 1B indefinitely in order for the City to investigate existing easements and uses on the property.

2) Initiate the sale of the South Edmonds property immediately.

3) Postpone the sale of the Pinion Hills Parcels indefinitely.

4) Postpone the sale of the Flint Drive properties indefinitely.

5) Postpone the sale of the Colorado Street property indefinitely.

Attachments:

- 1) Omnibus Public Lands Management Act of 2009 (Carson City portion only)
- 2) Carson City Lands Bill Map

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

(a) Definitions.--In this section:

- (1) **City.**--The term "City" means Carson City Consolidated Municipality, Nevada.
- (2) **Map.**--The term "Map" means the map entitled "Carson City, Nevada Area", dated November 7, 2008, and on file and available for public inspection in the appropriate offices of--
- (A) the Bureau of Land Management; (B) the Forest Service; and
 - (C) the City.
- (3) **Secretary.**--The term "Secretary" means--
- (A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and
 - (B) with respect to other Federal land, the Secretary of the Interior.
- (4) **Secretaries.**--The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.
- (5) **Tribe.**--The term "Tribe" means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) Conveyances of Federal Land and City Land.--

- (1) **In general.**--Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture--
- (A) the Secretary shall accept the offer; and
 - (B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) Description of land.--

- (A) **Non-federal land.**--The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as "To U.S. Forest Service".
- (B) **Federal land.**--The Federal land referred to in paragraph (1)(B) is--
- (i) the approximately 935 acres of Forest Service land identified on the Map as "To Carson City for Natural Areas";
 - (ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as "Silver Saddle Ranch and Carson River Area";
 - (iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as "To Carson City for Parks and Public Purposes"; and
 - (iv) the approximately 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".

(3) Conditions.--

- (A) **Consideration.**--Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between--
- (i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and
 - (ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) Conservation easement.--As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) Costs.--Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) Use of land.--

(A) Natural areas.--

(i) In general.--Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) Exception.--Notwithstanding clause (i), the City may--

- (I) conduct projects on the land to reduce fuels;
- (II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and
- (III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) Silver saddle ranch and carson river area.--

(i) In general.--Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall--

- (I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and
- (II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) Exception.--Notwithstanding clause (i), the City may--

- (I) construct and maintain trails and trailhead facilities on the land;
- (II) conduct projects on the land to reduce fuels;
- (III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and
- (IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) Parks and public purposes.--The land described in paragraph (2)(B)(iii) shall be managed by the City for--

- (i) undeveloped open space; and
- (ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(D) Reversionary interest.--

(i) Release.--The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) Conveyance by city.--

(I) In general.--If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be--

- (aa) through a competitive bidding process; and
- (bb) except as provided in subclause (II), for not less than fair market value.

(II) Conveyance to government or nonprofit.--A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the

price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) Disposition of proceeds.--The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) Reversion.--If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) Miscellaneous provisions.--

(A) In general.--On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall--

(i) become part of the Humboldt-Toiyabe National Forest; and
(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) Management plan.--The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) Conveyance to bureau of land management.--

(A) In general.--If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) Description of land.--The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(C) Costs.--Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) Transfer of Administrative Jurisdiction From the Forest Service to the Bureau of Land Management.--

(1) In general.--Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as "Parcel #1" is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) Costs.--Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) Use of land.--

(A) Right-of-way.--Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) Disposal.--The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) Disposition of proceeds.--The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) Disposal of Carson City Land.--

(1) In general.--Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in

accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) Description of land.--The Federal land referred to in paragraph (1) is--

(A) the approximately 108 acres of Bureau of Land Management land identified as "Lands for Disposal" on the Map; and

(B) the approximately 50 acres of land identified as "Parcel #1" on the Map.

(3) Compliance with local planning and zoning laws.--Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with--

(A) City zoning ordinances; and

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

(4) Method of sale; consideration.--The sale of Federal land under paragraph (1) shall be--

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

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) Withdrawal.--

(A) In general.--Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from--

(i) all forms of entry and appropriation under the public land laws;

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

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

(B) Exception.--Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) Deadline for sale.--

(A) In general.--Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) Postponement; exclusion from sale.--

(i) Request by Carson City for postponement or exclusion.--At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) Indefinite postponement.--Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) Disposition of Proceeds.--

(1) In general.--Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)--

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

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the "Carson City Special Account", and shall be available without further appropriation to the Secretary until expended to--

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of--

(I) surveys and appraisals; and

(II) compliance with--

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

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

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

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) Silver saddle endowment account.--

(A) Establishment.--There is established in the Treasury of the United States a special account, to be known as the "Silver Saddle Endowment Account", consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) Availability of amounts.--Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) Urban Interface.--

(1) In general.--Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from--

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

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

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) Description of land.--The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as "Urban Interface Withdrawal".

(3) Incorporation of acquired land and interests.--Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) Off-highway vehicle management.--Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed--

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) Availability of Funds.--Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended--

(1) in paragraph (3)(A)(iv), by striking "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)" and inserting "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))";

(2) in paragraph (3)(A)(v), by striking "Clark, Lincoln, and White Pine Counties" and inserting "Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))";

(3) in paragraph (4), by striking "2011" and inserting "2015"; and

(4) by adding at the end the following:

"(5) Limitation for carson city.--Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives--

"(A) adjacent to the Carson River; or

"(B) within the floodplain of the Carson River. "

(h) Transfer of Land To Be Held in Trust for Washoe Tribe.--

(1) In general.--Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)--

- (A) shall be held in trust by the United States for the benefit and use of the Tribe; and
- (B) shall be part of the reservation of the Tribe.

(2) Description of land.--The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as "To Washoe Tribe".

(3) Survey.--Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) Use of land.--

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

(B) Trust land for ceremonial use and conservation.--With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200' elevation contour, the Tribe--

(i) shall limit the use of the land to--

- (I) traditional and customary uses; and
- (II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any--

- (I) permanent residential or recreational development on the land; or
- (II) commercial use of the land, including commercial development or gaming.

(C) Trust land for commercial and residential use.--With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200' elevation to--

- (i) traditional and customary uses;
- (ii) stewardship conservation for the benefit of the Tribe; and
- (iii)(I) residential or recreational development; or
- (II) commercial use.

(D) Thinning; landscape restoration.--With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) Correction of Skunk Harbor Conveyance.--

(1) Purpose.--The purpose of this subsection is to amend Public Law 108-67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) Technical correction.--Section 2 of Public Law 108-67 (117 Stat. 880) is amended--

(A) by striking "Subject to" and inserting the following:

"(a) In General.--Subject to";

(B) in subsection (a) (as designated by paragraph (1)), by striking "the parcel" and all that follows through the period at the end and inserting the following: "and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0' (Lake Tahoe Datum). "; and

(C) by adding at the end the following:

"(b) Survey and Legal Description.--

"(1) In general.--Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

“(2) Technical corrections.--The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

“(c) Public Access and Use.--Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection. “

(3) Date of trust status.--The trust land described in section 2(a) of Public Law 108-67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) Transfer.--The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as “Parcel B” on the map entitled “Skunk Harbor Conveyance Correction” and dated September 12, 2008.

(j) Agreement With Forest Service.--The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) Artifact Collection.--

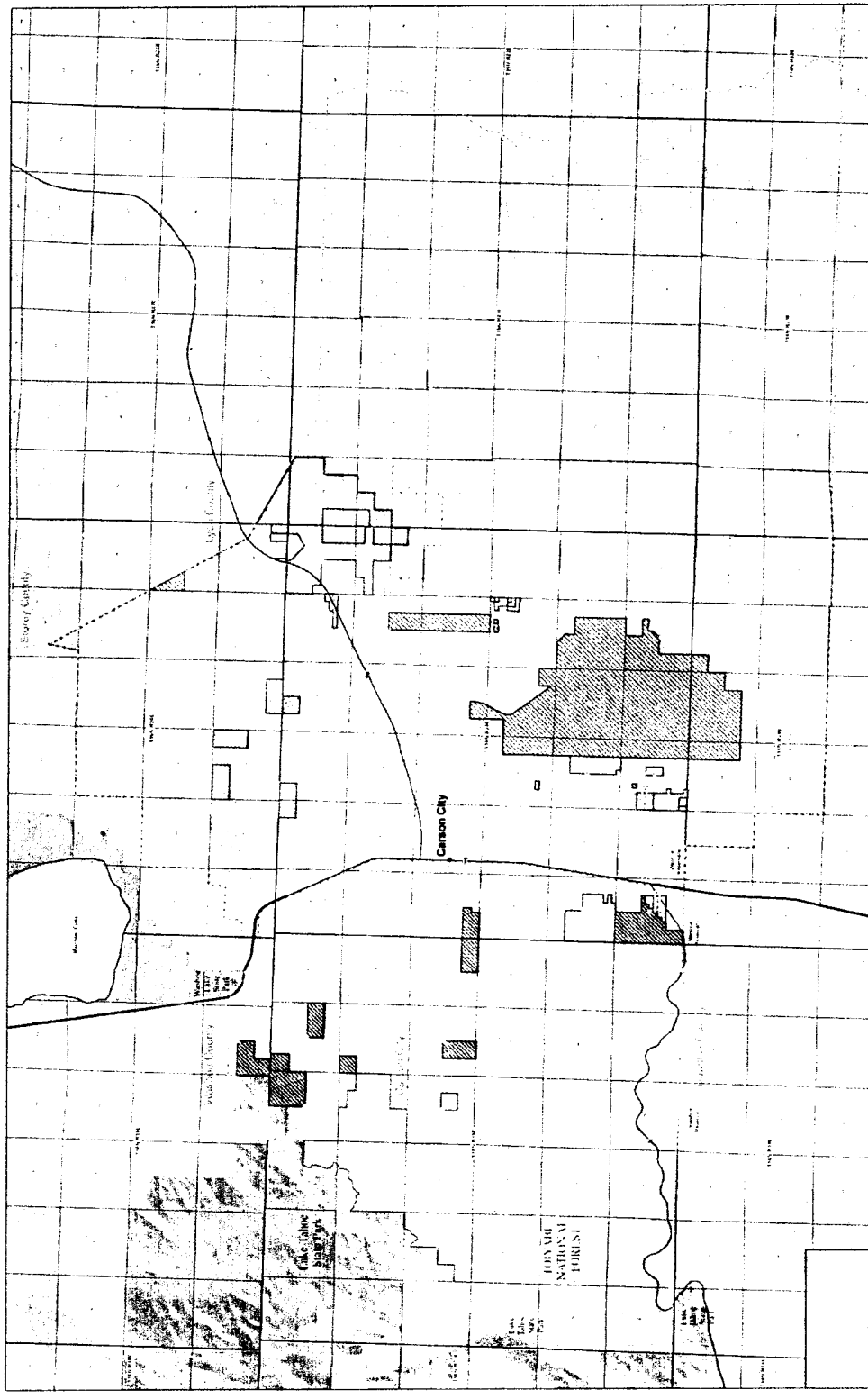
(1) Notice.--At least 180 days before conducting any ground disturbing activities on the land identified as “Parcel #2” on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) Authorized activities.--On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as “Parcel #2” on the Map.

(l) Authorization of Appropriations.--There are authorized to be appropriated such sums as are necessary 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: Withdraw Boundary
- Reversionary interest of the United States released
- Land for Disposal
- Silver Shoshone Ranch and Carson River Area
- To Bureau of Land Management

Legend

- Carson City for Natural Areas
- Carson City for Parks and Public Purposes
- To US Forest Service
- To Washoe Tribe

Other Legend Items:

- City of Carson City
- State Administration
- Washoe County
- Nye County
- Nevada
- Interstate
- US Highway
- County Boundary
- Township Boundary
- Precinct Boundary
- US Fencing
- Multiple State Parcels
- Private Land
- Bureau of Land Management
- Forest Service
- Precinct Base
- Multiple State Parcels
- Landowner

The map is intended to be printed at 11" x 17"