

**City of Carson City
Agenda Report**

Date Submitted: August 6, 2013

Agenda Date Requested: August 15, 2013
Time Requested: Consent

To: Mayor and Supervisors

From: Parks and Recreation Department - Open Space Division

Subject Title: For possible action to authorize the deposit of approximately \$375,000 into the Bureau of Land Management's Silver Saddle Stewardship Account for the oversight and enforcement of the conservation easement, and the transfer of approximately 3,604 acres of federal land to Carson City, as approved by the Carson City Community Vitality Act of 2009. (Juan F. Guzman)

Staff Summary: The Carson City Community Vitality Act provides, among other matters, that an amount equal to 25% of the difference between the purchase of the Bernhard parcel from Carson City by the Bureau of Land Management in March of 2006 and the purchase of the Bernhard parcel by Carson City from the Bernhard Family in July of 2001 shall be deposited in the special account established for the stewardship of the Silver Saddle Ranch conservation easement.

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 deposit of approximately \$375,000 into the Bureau of Land Management's Silver Saddle Stewardship Account for the oversight and enforcement of the conservation easement, and the transfer of approximately 3,604 acres of federal land to Carson City, as approved by the Carson City Community Vitality Act of 2009.

Explanation for Recommended Board Action: The Bernhard parcel was purchased by Carson City for \$1,000,000 in 2001 at the request of our residents and the Bureau of Land Management. The purpose was to provide for the continuation of open space on the east side of Prison Hill adjacent to the Silver Saddle Ranch. The BLM anticipated purchasing the parcel at a later time from Carson City. In March of 2006 the BLM purchased the parcel from Carson City for \$2,500,000. Subsequently, as part of the Carson City Community Vitality Act of 2009, this same land, plus additional acres, were designated to be transferred to Carson City subject to a conservation easement. The stewardship account was agreed to as a vehicle to provide for fairness since Carson City benefited from the increase in value plus the subsequent transfer of 3,604 acres of land.

Applicable Statute, Code, Policy, Rule or Regulation:

Carson City Vitality Act of 2009 – Attached - see Page 312, Section 2 and Page 301, Section 3
Carson City Municipal Code, Section 13.06.010 - Attached

Fiscal Impact: The reduction of \$375,000 from the Open Space budget.

Explanation of Impact: An Open Space budget account was previously approved by the Board of Supervisors for the payment of expenditures in relation to the Carson City Community Vitality Act.

Funding Source: Open Space

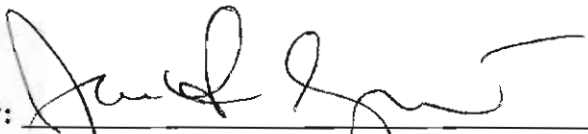
Alternatives: Not to approve

Supporting Material:

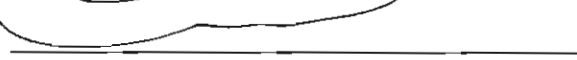
Exhibit A – Calculation of payment

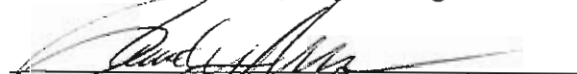
Exhibit B – Carson City Community Vitality Act of 2009

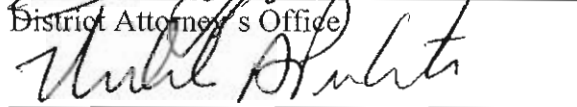
Exhibit C – Carson City Municipal Code, Section 13.06.010

Prepared By:  Date: 8/5/13
Juan F. Guzman, Open Space Manager

Reviewed By:  Date: 8/6/13
Roger Moellendorf, Parks & Recreation Director

 Date: 8/6/13
Lawrence A. Werner, City Manager

 Date: 8/6/13
District Attorney's Office

 Date: 8/6/13
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay

2: _____

(Vote Recorded By)

Juan Guzman

From: Juan Guzman
Sent: Monday, August 05, 2013 4:46 PM
To: 'Wickham, Perry'
Cc: Stella Hyatt
Subject: RE: Revised calculation of Endowment funds for the BLM/CC transfer
Attachments: Message from "RNP44BCE5"

Dear Perry:

The Lands Bill provides that Carson City shall deposit in the special account an amount equal to 25% of the difference between-

“(i) the amount for which Bernhard was purchased by the City on July 18, 2001; and”

“(ii) the amount for which Bernhard was purchased by the Secretary on March 24, 2006.”

Therefore:

Secretary purchase	\$2,500,000.00 on March 24, 2006
Less Carson City purchase	\$1,000,000.00 on July 18, 2001
	\$1,500,000.00 Sub total

times 25 % = \$375,000.00 Amount owed to BLM

These figures were obtain from the Buyers Closing Statement and the BLM Acquisition Voucher, attached.

From: Wickham, Perry [<mailto:pwickham@blm.gov>]
Sent: Monday, August 05, 2013 3:28 PM
To: Juan Guzman
Subject: Re: Draft calculation of Endowment funds for the BLM/CC transfer

Juan,

When would Carson City be able to deposit the monies into the Silver Saddle Endowment account so that I can complete the conveyance of Silver Saddle Ranch to the city?

Thanks,

Perry Wickham
775.885.6017

On Wed, Jul 31, 2013 at 12:40 PM, Juan Guzman <JGuzman@carson.org> wrote:

Northern Nevada Title Company

512 N. Division Street
Carson City, NV 89703-4103
(775)-883-7513 * Fax(775)-887-5065

Buyer(s) Closing Statement

Dated As of 6/22/2001

Closing Date: 7/7/2001

Escrow No: 1010217 - LS

Escrow Statement of:

Escrow Officer: Liz Svenningsen

Carson City, a Consolidated Municipality of the State of Nevada

Property Address: None Available Carson City, NV 89701

	From	To	DEBITS	CREDITS
Total Consideration			\$1,000,000.00	
Deposit				\$1,000,000.00
<u>Prorations/Adjustments</u>				
County Tax for 12 months @ \$1,400.37	7/1/2001	7/7/2001		\$23.34
County Tax for 12 months @ \$1,342.36	7/1/2001	7/7/2001		\$22.37
<u>Title Charges</u>				
CLTA Owners Owners For \$1,000,000.00			\$2,483.00	
<u>Recording Charges</u>				
Record Resolution			\$8.00	
<u>Escrow Charges</u>				
Escrow Fee			\$1,295.00	
Document Fee			\$20.00	
Balance Due Escrow				\$3,760.29
Totals			\$1,003,806.00	\$1,003,806.00

254-5047-452-74-01

BUYER'S COPY

3-20-00 JAO

Form 1370-32
(January 1995)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND ACQUISITION VOUCHER CERTIFICATE

Document Control Number

FFM060003

Serial Number

N-78356

Type of Disposition: Obligation Disbursement
 Type of Case: Fee Simple Easement Donation Exchange
 Type of Payment: Consideration Closing Costs Relocation Equalization Other

DESCRIPTION OF PAYMENT

\$2,500,000 for acquisition of environmentally sensitive land pursuant to the Southern Nevada Public Land Management Act of 1998 (PL105-263), plus closing costs, and title insurance policy fee.. Funding to acquire 61.5 acres, more or less, in Carson City, Nevada. Preliminary Title Opinion and Value Approval Memo attached. Funds can either be sent to this ABA number either by wire or by EFT.

PAYEE CLASSIFICATION	NAME OF PAYEE	AMOUNT
Escrow Company	Northern Nevada Title Co. Escrow 1040926-LS	\$ 2,500,000.00
	Title Insurance Policy Premium*	4,106.40
	Escrow Fees*	2,820.00
TaxPayer ID: 88-0161449; Address: 512 N. Division St., Carson City, Nevada 89703		\$
Total Disbursements		\$ \$2,506,926.40

Mailing Address for Check or Name of Banking Institution for Wire:	Account No. for Wire Transfer:
Business Bank of Nevada, 1811 East College Parkway, Carson City, NV 89706	ABA#: 122401820 Acct #: 0004-000-579

SIGNATURE(S) OF GRANTOR/CLAIMANT(S)	DATE	SIGNATURE(S) OF GRANTOR/CLAIMANT(S)	DATE
<i>Northern Nevada Title</i>		<i>Northern Nevada Title</i>	
<i>X J. Gorman</i>		<i>X. Liz Axenmensen</i>	
<i>Title President</i>		<i>Title: Asst Sec.</i>	
AUTHORIZED OFFICER'S SIGNATURE OBLIGATING FUNDS	DATE	AUTHORIZED OFFICER'S SIGNATURE AUTHORIZED PAYMENT	DATE

BUDGET ORGANIZATION	PROGRAM	PROJECT NUMBER	BUDGET OBJECT CODE	DOLLAR AMOUNT
BC610	1920 HN	BL26	253G	\$2,506,926.40

(Instructions on reverse)

DISBURSEMENT

Carson City, Nevada, Code of Ordinances >> Title 13 - PARKS AND RECREATION >> Chapter 13.06 - OPEN SPACE >>

Chapter 13.06 - OPEN SPACE

Sections:

- 13.06.010 - Purpose.
- 13.06.020 - Creation of an open space advisory committee.
- 13.06.030 - Committee membership.
- 13.06.040 - Term of office and vacancies.
- 13.06.050 - Removal from committee.
- 13.06.060 - Powers and duties of open space advisory committee.
- 13.06.070 - Organization and procedure of the open space advisory committee.
- 13.06.080 - Prohibited interest/confidentiality.
- 13.06.090 - Annual report.
- 13.06.100 - Preservation of land.
- 13.06.110 - Leasing open space lands.
- 13.06.120 - Disposal of open space lands and grants of exclusive licenses/permits.
- 13.06.130 - Statement of deed.
- 13.06.140 - Maintenance and management.
- 13.06.150 - Other public lands.

13.06.010 - Purpose.

In the broadest sense, the objective of the open space program is to promote quality of life for citizens of Carson City through the preservation and protection of the quality of the natural environment which has given Carson City much of its character. This natural environment includes many spectacular views of the mountains, Carson River, and Eagle Valley. The natural streams, wetlands and open lands, with their water and related plant and animal life complement the scenic vistas and remind us of the area's early history. These natural areas, water bodies, vistas and panoramas, natural landmarks, and native flora and fauna are intended to be preserved and protected for the enjoyment of this and future generations by the judicious use of funding for open space.

As Carson City continues to grow, open spaces should be provided and woven into the fabric of the city. These open spaces may define developed areas within the community, and in certain areas may define the boundary of the city. They are intended to obtain a balance and harmony between physical development and open space for the benefit of Carson City citizens. Preservation of open space in all parts of the city will foster appreciation of the natural environment, provide increased opportunities for passive recreation, preserve agricultural uses, allow connecting open space corridors, and improve the quality of life.

Carson City encourages residents of this community and other concerned persons or parties to donate certain lands or funds for use in the open space program. The board of supervisors may by resolution accept properties not acquired with open space funds into the open space program after a recommendation from the open space advisory committee.

The open space advisory committee shall provide the oversight over the administration and expenditure of funds from the open space division of the quality of life special revenue fund established by Carson City Municipal Code 21.07. The funding for open space including interest and other income, may be used for the acquisition, restoration of natural resources, development and construction which afford for public access, health and safety, equipping, improvement, maintenance, conservation planning and management of real property for open spaces acquired through the fund; and administrative costs approved by the committee.

(Ord. 1997-30 § 1 (part), 2, 1997).

13.06.020 - Creation of an open space advisory committee.

There is hereby created an open space advisory committee, hereinafter referred to as the committee, consisting of seven (7) members appointed by the board of supervisors.

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 tled “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)(ii) 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 *(vi) 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) *TECHNICAL 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.

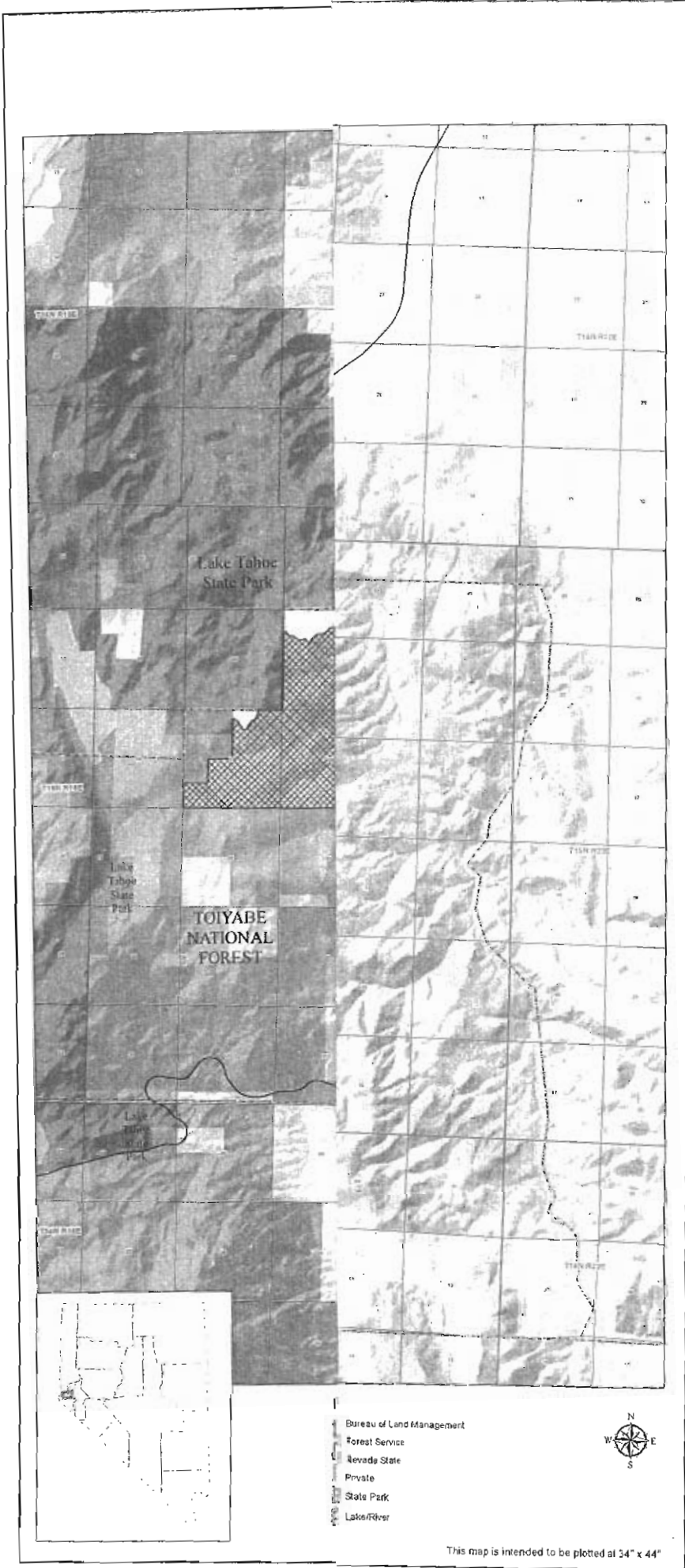
3 *(j) AGREEMENT WITH FOREST SERVICE.*—The Sec-
4 retary of Agriculture, in consultation with the Tribe, shall
5 develop and implement a cooperative agreement that en-
6 sures regular access by members of the Tribe and other peo-
7 ple in the community of the Tribe across National Forest
8 System land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



This map is intended to be plotted at 54" x 44"