

Public Law 96-586
96th Congress

An Act

To provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

Dec. 23, 1980
[H.R. 7306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Congress finds that—

Nevada and
Lake
Tahoe Basin,
land
disposal and ac-
quisition.

(1) the Bureau of Land Management has extensive land ownership in small parcels interspersed with or adjacent to private lands in urban areas of Clark County, Nevada;

(2) for orderly development of the communities in that county certain of those lands should be sold by the Federal Government;

(3) the Lake Tahoe Basin is a closed basin two-thirds of which is located within the State of California and one-third within the State of Nevada;

(4) the environmental quality of the Lake Tahoe Basin is seriously jeopardized by overdevelopment of sensitive land areas;

(5) a majority of the acreage developed within the Lake Tahoe Basin and the potential for further development of sensitive land areas is within California;

(6) further tourist oriented development within the basin encourages significant permanent development of other kinds as well as tourist visitation; and

(7) the unique character of the Lake Tahoe Basin is of national significance deserving of further protection and management.

(b) The purpose of this Act is to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for acquisition of environmentally sensitive lands in the Lake Tahoe Basin.

Clark County,
Nev.;
land disposal.

SEC. 2. (a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized and directed to dispose of lands under the jurisdiction of the Bureau of Land Management in Clark County, Nevada, as shown on the map numbered 7306A, dated May 1980, and entitled "Las Vegas Valley, Nevada, Land Sales Map", which map shall be on file and available for public inspection in the offices of the Bureau of Land Management. Such disposal shall be in accordance with regulations developed jointly by the Secretary and the affected local governmental jurisdictions and shall be consistent with the provisions of the Federal Land Policy and Management Act and other applicable law except to the extent necessary to expeditiously carry out the provisions of this Act.

43 USC 1701
note.

(b) No more than seven hundred acres per calendar year may be offered for sale by the Bureau of Land Management in Clark County.

Annual acreage
limit.

(c) Notwithstanding section 1(b), the Secretary and the affected local governmental jurisdictions shall jointly select lands to be offered for sale under this Act. The Secretary may not offer any land for sale if in his judgment such land has not been appropriately classified in accordance with adjacent land use by the local governmental jurisdiction. In the event agreement cannot be reached on joint selection, no lands shall be offered for sale.

Land selection.

Revenues.

(d)(1) Except as otherwise provided in this subsection, the revenues from the sale of public lands under this subsection within Clark County, Nevada, shall, notwithstanding any other provision of law, be deposited annually, in the general fund of the Treasury of the United States: *Provided*, That from these revenues, an amount equal to that actually appropriated from the Land and Water Conservation Fund pursuant to section 3 of this Act, shall be deposited in the Fund prior to fiscal year 1995.

(2) Five per centum of the annual revenues referred to in paragraph (1) shall be returned to the State of Nevada annually for use in the general education program of the State.

(3) Ten per centum of the net annual revenues referred to in paragraph (1) shall be returned annually directly to the county or municipality within the boundaries of which such land sale occurred to be used for the purpose of acquisition and development of recreational lands and facilities. The total annual revenue returned under this paragraph to each such county or municipality shall be an amount proportional to the amount of revenues generated under this section from sales under this section of Federal land located within each such county or municipality.

(e) The revenues deposited in the general fund of the Treasury of the United States under subsection (d) are deemed to be in the nature of repayment for those authorizations set forth in section 3 of this Act. The Secretary, in cooperation with the Secretary of Agriculture, shall submit an accounting report biannually of income and expenditure provided for by this Act to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(f) The Secretary shall, subject to the provisions of subsection (c), make the first land sale offering of Clark County, Nevada, land no later than one year after the date of enactment of this Act.

(g)(1) The Secretary of Agriculture is authorized and directed to make annual payments to the governing bodies of each of the political subdivisions any portion of which is located in the area depicted on the final map filed pursuant to section 3(a). Such payments may be used only for water pollution control, soil erosion mitigation, or acquisition by local government authorities of lands and interests in lands within the Lake Tahoe Basin, or for any combination of the foregoing purposes.

(2) The total amounts appropriated for payments pursuant to this subsection shall be allocated proportionately among such political subdivisions in any fiscal year on the basis of the relative amounts of acreage acquired under this Act in each such political subdivision.

(3) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated for making payments under this subsection a sum equal to 15 per centum of the amount appropriated under such section 3.

(h) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated a sum equal to 5 per centum of the amount appropriated under such section 3 to be used by the Secretary of Agriculture only for purposes of preventing, controlling, or mitigating water pollution associated with National Forest System lands in the Lake Tahoe Basin and for managing acquired lands within the Lake Tahoe Basin. Such sum shall be in addition to any other amounts available

Report to congressional committees.

Payments to localities.

Water pollution control and land management.

to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

(i) The provisions of section 3 of the Act of October 20, 1976 (31 U.S.C. 1601) and the provisions of subsections (a) through (c) of section 106 of the Act of March 27, 1978 (16 U.S.C. 790) shall apply to lands acquired by the Secretary of Agriculture under this Act in the same manner and to the same extent as such provisions apply to lands owned by the United States and referred to in such section 106. For purposes of applying such provisions, any reference in such provisions to the lands referred to in such section 106 or to the National Park System shall be treated as including reference to the lands acquired by the Secretary of Agriculture under this Act.

31 USC 1603.

SEC. 3. (a)(1) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands which were unimproved as of the date of enactment of this Act (except as provided in subsection (c)), and which are environmentally sensitive lands within the meaning of paragraph (2). The funds used for acquisition of such lands and interests in lands shall be the funds authorized to be appropriated pursuant to this Act, and no such funds may be expended until the final map has been filed in accordance with paragraph (2)(B). Such funds shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

(2)(A) The Secretary of Agriculture, in consultation with the governments of Nevada and California, the Tahoe Regional Planning Agency and with local governments, including the appropriate planning and regulatory agencies, after notice and opportunity for public hearing, shall prepare a map of the lands to be acquired pursuant to this subsection.

Map, preparation; notice and hearing.

(B) The Secretary of Agriculture shall, within six months of the date of enactment of this Act, and after notice and opportunity for public hearing, file with the United States Senate Committee on Energy and Natural Resources and the United States House of Representatives Committee on Interior and Insular Affairs a map which in the Secretary of Agriculture's judgment best achieves the objectives set forth in this Act and includes the environmentally sensitive land defined in subparagraph (C) of this paragraph.

Submittal to congressional committees.

(C) For purposes of this paragraph, the term "environmentally sensitive land" means—

"Environmentally sensitive land."

(i) stream environment zones which are—

(I) areas generally located within the one-hundred-year flood plain;

(II) areas containing soils which are associated with high runoff or high water tables;

(III) areas of riparian vegetation types; or

(IV) minimum protective buffer areas for the areas referred to in subclauses (I) through (III);

(ii) high hazard lands which are characterized by steep slopes and a fragile environmental balance or with a high erosion potential;

(iii) unimproved lands previously modified by man which are causing unacceptably high rates of sedimentation; and

(iv) shore zone areas which are sensitive to cliff erosion, beach erosion, and near-shore instability.

(D) The map filed pursuant to subparagraph (B) shall be prepared at such scale as to clearly identify the affected land tracts by ownership and shall designate such tracts for acquisition or non-acquisition.

- (3) Before initiating acquisition proceedings for any lands under this subsection, the Secretary shall consult annually with State and local government agencies, the Tahoe Regional Planning Agency as to the necessity for such acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. The Secretary of Agriculture shall notify the public of the approved land acquisition program on an annual basis.
- Public notice.
- Donation. (4) Lands within the boundaries of the area subject to acquisition under this section which are owned by any State or local government may be acquired only by donation.
- Administration. (b) Lands acquired under this section shall be administered as a part of the United States National Forest System; except that the Secretary of Agriculture, acting through the Chief of the Forest Service, may, in the case of lands which are unsuitable for Forest Service administration, transfer such lands or interests therein to an appropriate unit of State or local government with appropriate deed restrictions to protect the environmental quality and public recreational use of the lands concerned.
- Improved lands, acquisition. (c)(1) Except as provided in paragraph (2), with respect to that portion of the Lake Tahoe Basin, as defined as of the date of the enactment of this Act by the Secretary of Agriculture, which lies within the boundary of the State of California, as in effect on the date of the establishment of the Tahoe National Forest (October 3, 1905), the Secretary of Agriculture may acquire improved lands or interests in improved lands with the consent of the owner thereof or upon a finding by the Secretary of Agriculture that such lands are being used, or that an imminent threat exists that they will be used, in a manner detrimental to the preservation of the existing water quality of the basin.
- Single family dwellings, acquisition restrictions. (2) No single family dwelling which is improved land (as defined in this subsection) may be acquired under the provisions of this subsection without the consent of the owner thereof unless the Secretary of Agriculture with the concurrence of the Tahoe Regional Planning Agency finds that (A) a change in the use of such dwelling has occurred subsequent to the date of enactment of this Act or that such a change in use is threatened, and (B) in the case of a single family dwelling having a change or threatened change in use but maintained as a single family dwelling, such change or threatened change will result in a detriment to the preservation of the existing water quality of the basin.
- (3) At such time as the Tahoe Regional Planning Agency has adopted final requirements for the protection of the water quality of the basin, the Secretary of Agriculture shall make the findings provided for in sections 3(c)(1) and 3(c)(2) herein in a manner consistent with such requirements.
- (4) For purposes of this Act, the term—
- “Improved land.” (A) “improved land” means any land on which there is located a single family dwelling or other residential or commercial building, the construction of which commenced before the date of enactment of this Act, together with so much of the land on which such building is located as is reasonably necessary to the use and enjoyment of such building; and
- “Unimproved land.” (B) “unimproved land” means any land other than improved land.
- Right of use and occupancy. (5)(A) The owner or owners of any improved land acquired by the Secretary of Agriculture under this Act may retain a right of use and occupancy of such land for—

- (i) a definite term of not more than twenty-five years from the date of the enactment of this Act, or,
- (ii) a term ending at the death of the owner or owners of such land.

The owner shall elect the term to be reserved, except that if the owner is a corporation, the term shall not exceed twenty-five years from the date of the enactment of this Act. Unless the improved land is wholly or partially donated, the Secretary of Agriculture shall pay to the owner the fair market value of the improved land on the date of its acquisition, less the fair market value on that date of the right retained by the owner. For purposes of applying the preceding provisions of this subparagraph, ownership shall be determined as of the date of acquisition, except that in applying clause (ii) ownership shall be determined as of May 1, 1980.

(B) A right retained by the owner pursuant to this paragraph shall be subject to termination by the Secretary of Agriculture upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary of Agriculture to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(d) Lands and interests therein may be acquired by the Secretary of Agriculture with concurrence of the Tahoe Regional Planning Agency in accordance with this section without the consent of the owner thereof only where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed.

Acquisition without owner's consent.

(e) The fair market value of any land or interest in land to be acquired by the Secretary of Agriculture under this section shall be determined by an independent appraisal made, where practicable, on the basis of comparable sales at the time of such acquisition. For purposes of the appraisal of any property to be acquired under this section, in determining the comparability of other property sales, the independent appraisal shall take into account the utilities, services, and facilities associated with the property concerned. Any change after the date of the enactment of this Act in the value of any property to be acquired under this section shall not be taken into account for purposes of determining the fair market value of such property to the extent that such change is attributable to the enactment of this Act.

Fair market value.

(f) In acquiring any property under this section, the Secretary of Agriculture and the owner of the property to be acquired may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid principal balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining period of maturity comparable to average maturities on the installments.

Purchase price, installments.

(g) There is hereby authorized to be appropriated, for the purposes of this Act, from the Land and Water Conservation Fund, \$10,000,000 for the fiscal year 1982, and \$20,000,000 for the fiscal year 1983. In addition there is hereby authorized to be appropriated for these and subsequent fiscal years an amount equal to the amount of revenue obtained by the Federal Government from the sale of federally owned lands in Clark County, Nevada, after October 1, 1978, reduced for any fiscal year by the amount appropriated, pursuant to this sentence, in the prior fiscal years. Funds appropriated pursuant to this section may be expended without regard to any limitations contained in the

Appropriation authorization.

16 USC 4607-9.

Mar-A-Lago National Historic Site. Repeal. 16 USC 467a and note, 467a-1. 16 USC 461 note, 467a note.

Marjorie Merriweather Post Foundation, property transfer. 16 USC 467a note.

D.C. Code 29-1001. Funds, adjustments.

provisions of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965. Amounts authorized to be appropriated under this subsection shall remain available until expended. Authorizations of moneys to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into contracts and agreements and to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 4. (a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled "An Act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida" is repealed.

(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act, take such measures, consistent with the terms and conditions of the deed of conveyance from Marjorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A-Lago National Historic Site to the Majorie Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 96-1023 (Comm. on Interior and Insular Affairs).
- SENATE REPORT No. 96-1026 (Comm. on Energy and Natural Resources).
- CONGRESSIONAL RECORD, Vol. 126 (1980):
 - Sept. 8, considered and passed House.
 - Dec. 4, considered and passed Senate, amended.
 - Dec. 5, House concurred in Senate amendments.