

113th CONGRESS

1st Session

**H. R. 697**

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**February 14, 2013**

Mr. HECK of Nevada (for himself, Mr. AMODEI, Mr. HORSFORD, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Natural Resources

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**A BILL**

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Three Kids Mine Remediation and Reclamation Act'.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; RELEASE; REMEDY; RESPONSE- The terms 'hazardous substance', 'pollutant or contaminant', 'release', 'remedy', and 'response' have the meanings respectively set forth for those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) HENDERSON REDEVELOPMENT AGENCY- The term 'Henderson Redevelopment Agency' means the public body, corporate and politic, known as the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise its powers in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685, inclusive).

(3) SECRETARY- The term 'Secretary' means the Secretary of the Interior.

(4) STATE- The term 'State' means the State of Nevada.

(5) **THREE KIDS MINE FEDERAL LAND**- The term 'Three Kids Mine Federal Land' means the parcel or parcels of Federal land consisting of approximately 948 acres in sections 26, 34, 35, and 36, Township 21 South, Range 63 East, Mount Diablo Meridian, Nevada, as depicted on the map entitled 'Three Kids Mine Project Area' and dated February 6, 2012.

(6) **THREE KIDS MINE PROJECT SITE**- The term 'Three Kids Mine Project Site' means the Three Kids Mine Federal Land and the adjacent approximately 314 acres of non-Federal land, together comprising approximately 1,262 acres, as depicted on the map entitled 'Three Kids Mine Project Area' and dated February 6, 2012.

### **SEC. 3. LAND CONVEYANCE.**

(a) **In General**- Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), as soon as practicable after fulfillment of the conditions in subsection (b), and subject to valid existing rights, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in the Three Kids Mine Federal Land.

(b) **Conditions**-

(1) **DETERMINATION OF FAIR MARKET VALUE**- The Secretary shall administratively adjust the fair market value of the Three Kids Mine Federal Land as determined pursuant to paragraph (2) by deducting from the fair market value of the Three Kids Mine Federal Land the reasonable approximate assessment, remediation and reclamation costs for the Three Kids Mine Project Area as determined pursuant to paragraph (3). The Secretary shall begin the appraisal and cost determination under paragraphs (2) and (3), respectively, not later than 30 days after the date of the enactment of this Act.

(2) **APPRAISAL**- The Secretary shall determine the fair market value of the Three Kids Mine Federal Land based on an appraisal without regard to any existing contamination associated with historical mining or other uses on the property and in accordance with nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Henderson Redevelopment Agency shall reimburse the Secretary for costs incurred in performing the appraisal.

(3) **REMEDICATION AND RECLAMATION COSTS**- The Secretary shall prepare a reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site. This estimation shall be based upon the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or its designee that has been approved by the State, and shall be prepared in accordance with the current version of ASTM International Standard E-2137-06 entitled 'Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters'. The Phase II environmental site assessment shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of the current versions of ASTM International Standard E-1527-05 entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process' and ASTM International Standard E-1903-11 entitled 'Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process'. The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency and the State. In the event of a disagreement among the Secretary, Henderson Redevelopment Agency,

and the State over the reasonable approximate estimate of costs, the parties shall jointly select one or more experts to advise the Secretary in making the final determination of such costs.

(4) CONSIDERATION- The Henderson Redevelopment Agency shall pay the fair market value, if any, as determined under this subsection.

(5) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED- The Secretary receives from the State notification, in writing, that the Mine Remediation and Reclamation Agreement has been executed. The Mine Remediation and Reclamation Agreement shall be an enforceable consent order or agreement administered by the State that--

(A) obligates a party to perform, after the conveyance of the Three Kids Mine Federal Land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to complete a permanent and appropriately protective remedy to existing environmental contamination and hazardous conditions; and

(B) contains provisions determined to be necessary by the State, including financial assurance provisions to ensure the completion of such remedy.

(6) NOTIFICATION- The Secretary receives from the Henderson Redevelopment Agency notification, in writing, that the Henderson Redevelopment Agency is prepared to accept conveyance of the Three Kids Mine Federal Land under this Act. Such notification must occur not later than 90 days after execution of the Mine Remediation and Reclamation Agreement referred to in paragraph (5).

## **SEC. 4. WITHDRAWAL.**

(a) In General- Subject to valid existing rights, for the 10-year period following the date of the enactment of this Act or on the date of the conveyance required by this Act, whichever is earlier, the Three Kids Mine Federal Land is withdrawn from all forms of--

(1) entry, appropriation, operation, or disposal under the public land laws;

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

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) Existing Reclamation Withdrawals- Subject to valid existing rights, any withdrawal of public land for reclamation project purposes that includes all or any portion of the Three Kids Mine Federal Land for which the Bureau of Reclamation has determined that it has no further need under applicable law is hereby relinquished and revoked solely to the extent necessary to exclude from the withdrawal the land no longer needed and to allow for the immediate conveyance of the Three Kids Mine Federal Land as required under this Act.

(c) Existing Reclamation Project and Permitted Facilities- Without limiting the general applicability of section 3(a), nothing in this Act shall diminish, hinder, or interfere with the exclusive and perpetual use by existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Three Kids Mine Federal Land that were constructed or permitted by the Bureau of Reclamation prior to the

effective date of this Act.

## **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1717), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is hereby adjusted consistent with the map entitled 'Three Kids Mine Project Area' and dated February 6, 2012.

## **SEC. 6. RELEASE OF THE UNITED STATES.**

Upon making the conveyance under section 3, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) at the Three Kids Mine Project Site in existence on or before the date of the conveyance.

## **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.**

Southern Nevada Public Land Management Act of 1998 (31 U.S.C. 6901 note; Public Law 105-263) shall not apply to land conveyed under this Act.

*END*