

112TH CONGRESS
2^D SESSION

H. R. 2512

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2012

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Three Kids Mine Re-
3 mediation and Reclamation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) HAZARDOUS SUBSTANCE; POLLUTANT OR
7 CONTAMINANT; RELEASE; REMEDY; RESPONSE.—
8 The terms “hazardous substance”, “pollutant or
9 contaminant”, “release”, “remedy”, and “response”
10 have the meanings respectively set forth for those
11 terms in section 101 of the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act
13 of 1980 (42 U.S.C. 9601).

14 (2) HENDERSON REDEVELOPMENT AGENCY.—
15 The term “Henderson Redevelopment Agency”
16 means the public body, corporate and politic, known
17 as the redevelopment agency of the City of Hender-
18 son, Nevada, established and authorized to transact
19 business and exercise its powers in accordance with
20 the Nevada Community Redevelopment Law (Nev.
21 Rev. Stat. 279.382 to 279.685, inclusive).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (4) STATE.—The term “State” means the State
25 of Nevada.

1 (5) THREE KIDS MINE FEDERAL LAND.—The
2 term “Three Kids Mine Federal Land” means the
3 parcel or parcels of Federal land consisting of ap-
4 proximately 948 acres in sections 26, 34, 35, and
5 36, Township 21 South, Range 63 East, Mount Dia-
6 blo Meridian, Nevada, as depicted on the map enti-
7 tled “Three Kids Mine Project Area” and dated
8 February 6, 2012.

9 (6) THREE KIDS MINE PROJECT SITE.—The
10 term “Three Kids Mine Project Site” means the
11 Three Kids Mine Federal Land and the adjacent ap-
12 proximately 314 acres of non-Federal land, together
13 comprising approximately 1,262 acres, as depicted
14 on the map entitled “Three Kids Mine Project
15 Area” and dated February 6, 2012.

16 **SEC. 3. LAND CONVEYANCE.**

17 (a) IN GENERAL.—Notwithstanding sections 202 and
18 203 of the Federal Land Policy and Management Act of
19 1976 (43 U.S.C. 1712, 1713) and any other provision of
20 law, as soon as practicable after fulfillment of the condi-
21 tions in subsection (b), and subject to valid existing rights,
22 the Secretary shall convey to the Henderson Redevelop-
23 ment Agency all right, title, and interest of the United
24 States in the Three Kids Mine Federal Land.

25 (b) CONDITIONS.—

1 (1) DETERMINATION OF FAIR MARKET
2 VALUE.—The Secretary shall administratively adjust
3 the fair market value of the Three Kids Mine Fed-
4 eral Land as determined pursuant to paragraph (2)
5 by deducting from the fair market value of the
6 Three Kids Mine Federal Land the reasonable ap-
7 proximate assessment, remediation and reclamation
8 costs for the Three Kids Mine Project Area as deter-
9 mined pursuant to paragraph (3). The Secretary
10 shall begin the appraisal and cost determination
11 under paragraphs (2) and (3), respectively, not later
12 than 30 days after the date of the enactment of this
13 Act.

14 (2) APPRAISAL.—The Secretary shall determine
15 the fair market value of the Three Kids Mine Fed-
16 eral Land based on an appraisal without regard to
17 any existing contamination associated with historical
18 mining or other uses on the property and in accord-
19 ance with nationally recognized appraisal standards
20 including the Uniform Appraisal Standards for Fed-
21 eral Land Acquisitions and the Uniform Standards
22 of Professional Appraisal Practice. The Henderson
23 Redevelopment Agency shall reimburse the Secretary
24 for costs incurred in performing the appraisal.

1 (3) REMEDIATION AND RECLAMATION COSTS.—
2 The Secretary shall prepare a reasonable approxi-
3 mate estimation of the costs to assess, remediate,
4 and reclaim the Three Kids Mine Project Site. This
5 estimation shall be based upon the results of a com-
6 prehensive Phase II environmental site assessment
7 of the Three Kids Mine Project Site prepared by the
8 Henderson Redevelopment Agency or its designee
9 that has been approved by the State, and shall be
10 prepared in accordance with the current version of
11 ASTM International Standard E–2137–06 entitled
12 “Standard Guide for Estimating Monetary Costs
13 and Liabilities for Environmental Matters”. The
14 Phase II environmental site assessment shall, with-
15 out limiting any additional requirements that may be
16 required by the State, be conducted in accordance
17 with the procedures of the current versions of ASTM
18 International Standard E–1527–05 entitled “Stand-
19 ard Practice for Environmental Site Assessments:
20 Phase I Environmental Site Assessment Process”
21 and ASTM International Standard E–1903–11 enti-
22 tled “Standard Practice for Environmental Site As-
23 sessments: Phase II Environmental Site Assessment
24 Process”. The Secretary shall review and consider
25 cost information proffered by the Henderson Rede-

1 velopment Agency and the State. In the event of a
2 disagreement among the Secretary, Henderson Re-
3 development Agency, and the State over the reason-
4 able approximate estimate of costs, the parties shall
5 jointly select one or more experts to advise the Sec-
6 retary in making the final determination of such
7 costs.

8 (4) CONSIDERATION.—The Henderson Redevel-
9 opment Agency shall pay the fair market value, if
10 any, as determined under this subsection.

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

18 (A) obligates a party to perform, after the
19 conveyance of the Three Kids Mine Federal
20 Land under this Act, the remediation and rec-
21 lamation work at the Three Kids Mine Project
22 Site necessary to complete a permanent and ap-
23 propriately protective remedy to existing envi-
24 ronmental contamination and hazardous condi-
25 tions; and

1 (B) contains provisions determined to be
2 necessary by the State, including financial as-
3 surance provisions to ensure the completion of
4 such remedy.

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

13 **SEC. 4. WITHDRAWAL.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 for the 10-year period following the date of the enactment
16 of this Act or on the date of the conveyance required by
17 this Act, whichever is earlier, the Three Kids Mine Federal
18 Land is withdrawn from all forms of—

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

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

23 (3) disposition under the mineral leasing, min-
24 eral materials, and the geothermal leasing laws.

1 (b) EXISTING RECLAMATION WITHDRAWALS.—Sub-
2 ject to valid existing rights, any withdrawal of public land
3 for reclamation project purposes that includes all or any
4 portion of the Three Kids Mine Federal Land for which
5 the Bureau of Reclamation has determined that it has no
6 further need under applicable law is hereby relinquished
7 and revoked solely to the extent necessary to exclude from
8 the withdrawal the land no longer needed and to allow for
9 the immediate conveyance of the Three Kids Mine Federal
10 Land as required under this Act.

11 (c) EXISTING RECLAMATION PROJECT AND PER-
12 MITTED FACILITIES.—Without limiting the general appli-
13 cability of section 3(a), nothing in this Act shall diminish,
14 hinder, or interfere with the exclusive and perpetual use
15 by existing rights holders for the operation, maintenance,
16 and improvement of water conveyance infrastructure and
17 facilities, including all necessary ingress and egress, situ-
18 ated on the Three Kids Mine Federal Land that were con-
19 structed or permitted by the Bureau of Reclamation prior
20 to the effective date of this Act.

21 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

22 Notwithstanding section 203 of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C. 1717),
24 the boundary of the River Mountains Area of Critical En-
25 vironmental Concern (NVN 76884) is hereby adjusted

1 consistent with the map entitled “Three Kids Mine Project
2 Area” and dated February 6, 2012.

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

4 Upon making the conveyance under section 3, not-
5 withstanding any other provision of law, the United States
6 is released from any and all liabilities or claims of any
7 kind or nature arising from the presence, release, or threat
8 of release of any hazardous substance, pollutant, contami-
9 nant, petroleum product (or derivative of a petroleum
10 product of any kind), solid waste, mine materials or min-
11 ing related features (including tailings, overburden, waste
12 rock, mill remnants, pits, or other hazards resulting from
13 the presence of mining related features) at the Three Kids
14 Mine Project Site in existence on or before the date of
15 the conveyance.

16 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**
17 **ACT.**

18 Southern Nevada Public Land Management Act of
19 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall
20 not apply to land conveyed under this Act.

Passed the House of Representatives June 5, 2012.

Attest:

KAREN L. HAAS,

Clerk.