

112TH CONGRESS
1ST SESSION

S. 1492

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 SENATE OF THE UNITED STATES

AUGUST 2, 2011

Mr. REID (for himself and Mr. HELLER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FEDERAL LAND.—The term “Federal land”
2 means the approximately 948 acres of Bureau of
3 Reclamation and Bureau of Land Management land
4 within the Three Kids Mine Project Site, as depicted
5 on the map.

6 (2) 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 given those terms in section 101
11 of the Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980 (42 U.S.C.
13 9601).

14 (3) HENDERSON REDEVELOPMENT AGENCY.—
15 The term “Henderson Redevelopment Agency”
16 means the redevelopment agency of the City of Hen-
17 derson, Nevada, established and authorized to trans-
18 act business and exercise the powers of the agency
19 in accordance with the Nevada Community Redevel-
20 opment Law (Nev. Rev. Stat. 279.382 to 279.685).

21 (4) MAP.—The term “map” means the map en-
22 titled “Three Kids Mine Project Area” and dated
23 August 2, 2011.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (6) STATE.—The term “State” means the State
2 of Nevada.

3 (7) THREE KIDS MINE PROJECT SITE.—The
4 term “Three Kids Mine Project Site” means the ap-
5 proximately 1,262 acres of land that is—

6 (A) comprised of—

7 (i) the Federal land; and

8 (ii) the approximately 314 acres of
9 adjacent non-Federal land; and

10 (B) depicted as the “Three Kids Mine
11 Project Site” on the map.

12 **SEC. 3. LAND CONVEYANCE.**

13 (a) IN GENERAL.—Notwithstanding sections 202 and
14 203 of the Federal Land Policy and Management Act of
15 1976 (43 U.S.C. 1712, 1713) and section 120 of the Com-
16 prehensive Environmental Response, Compensation, and
17 Liability Act of 1980 (42 U.S.C. 9620), and any other
18 provision of law, as soon as practicable after the conditions
19 described in subsection (b) have been met, and subject to
20 valid existing rights, the Secretary shall convey to the
21 Henderson Redevelopment Agency all right, title, and in-
22 terest of the United States in and to the Federal land.

23 (b) CONDITIONS.—

24 (1) APPRAISAL; FAIR MARKET VALUE.—

1 (A) IN GENERAL.—As consideration for
2 the conveyance under subsection (a), the Hen-
3 derson Redevelopment Agency shall pay the fair
4 market value of the Federal land, if any, as de-
5 termined under subparagraph (B) and as ad-
6 justed under subparagraph (E).

7 (B) APPRAISAL.—The Secretary shall de-
8 termine the fair market value of the Federal
9 land based on an appraisal—

10 (i) that is conducted in accordance
11 with nationally recognized appraisal stand-
12 ards, including—

13 (I) the Uniform Appraisal Stand-
14 ards for Federal Land Acquisitions;
15 and

16 (II) the Uniform Standards of
17 Professional Appraisal Practice; and

18 (ii) that does not take into account
19 any existing contamination associated with
20 historical mining on the Federal land.

21 (C) REMEDIATION AND RECLAMATION
22 COSTS.—

23 (i) IN GENERAL.—The Secretary shall
24 prepare a reasonable estimate of the costs

1 to assess, remediate, and reclaim the Three
2 Kids Mine Project Site.

3 (ii) CONSIDERATIONS.—The estimate
4 prepared under clause (i) shall be—

5 (I) based on the results of a com-
6 prehensive Phase II environmental
7 site assessment of the Three Kids
8 Mine Project Site prepared by the
9 Henderson Redevelopment Agency or
10 a designee that has been approved by
11 the State; and

12 (II) prepared in accordance with
13 the current version of the ASTM
14 International Standard E-2137-06
15 entitled “Standard Guide for Esti-
16 mating Monetary Costs and Liabilities
17 for Environmental Matters.”

18 (iii) ASSESSMENT REQUIREMENTS.—
19 The Phase II environmental site assess-
20 ment prepared under clause (ii)(I) shall,
21 without limiting any additional require-
22 ments that may be required by the State,
23 be conducted in accordance with the proce-
24 dures of—

1 (I) the most recent version of
2 ASTM International Standard E-
3 1527-05 entitled “Standard Practice
4 for Environmental Site Assessments:
5 Phase I Environmental Site Assess-
6 ment Process”; and

7 (II) ASTM International Stand-
8 ard E-1903-97 entitled “Standard
9 Guide for Environmental Site Assess-
10 ments: Phase II Environmental Site
11 Assessment Process” (2002).

12 (iv) REVIEW OF CERTAIN INFORMA-
13 TION.—

14 (I) IN GENERAL.—The Secretary
15 shall review and consider cost infor-
16 mation proffered by the Henderson
17 Redevelopment Agency and the State
18 in the preparation of the estimate
19 under this subparagraph.

20 (II) FINAL DETERMINATION.—If
21 there is a disagreement among the
22 Secretary, Henderson Redevelopment
23 Agency, and the State over the rea-
24 sonable estimate of costs under this
25 subparagraph, the parties shall jointly

1 select 1 or more experts to assist the
2 Secretary in making the final estimate
3 of the costs.

4 (D) DEADLINE.—Not later than 30 days
5 after the date of enactment of this Act, the Sec-
6 retary shall begin the appraisal and cost esti-
7 mates under subparagraphs (B) and (C), re-
8 spectively.

9 (E) ADJUSTMENT.—The Secretary shall
10 administratively adjust the fair market value of
11 the Federal land, as determined under subpara-
12 graph (B), based on the estimate of remedi-
13 ation, and reclamation costs, as determined
14 under subparagraph (C).

15 (2) MINE REMEDIATION AND RECLAMATION
16 AGREEMENT EXECUTED.—

17 (A) IN GENERAL.—The conveyance under
18 subsection (a) shall be contingent on the Sec-
19 retary receiving from the State written notifica-
20 tion that a mine remediation and reclamation
21 agreement has been executed in accordance
22 with subparagraph (B).

23 (B) REQUIREMENTS.—The mine remedi-
24 ation and reclamation agreement required
25 under subparagraph (A) shall be an enforceable

1 consent order or agreement administered by the
2 State that—

3 (i) obligates a party to perform the
4 remediation and reclamation work at the
5 Three Kids Mine Project Site necessary to
6 complete a permanent and appropriately
7 protective remedy to existing environ-
8 mental contamination and hazardous con-
9 ditions; and

10 (ii) contains provisions determined to
11 be necessary by the State, including finan-
12 cial assurance provisions to ensure the
13 completion of the remedy.

14 (3) NOTIFICATION FROM AGENCY.—As a condi-
15 tion of the conveyance under subsection (a), the Sec-
16 retary shall receive from the Henderson Redevelop-
17 ment Agency written notification that the Henderson
18 Redevelopment Agency is prepared to accept convey-
19 ance of the Federal land under that subsection.

20 **SEC. 4. WITHDRAWAL.**

21 (a) IN GENERAL.—Subject to valid existing rights,
22 for the 10-year period beginning on the earlier of the date
23 of enactment of this Act or the date of the conveyance
24 required by this Act, the Federal land is withdrawn from
25 all forms of—

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

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

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

7 (b) **EXISTING RECLAMATION WITHDRAWALS.**—Sub-
8 ject to valid existing rights, any withdrawal under the pub-
9 lic land laws that includes all or any portion of the Federal
10 land for which the Bureau of Reclamation has determined
11 that the Bureau of Reclamation has no further need under
12 applicable law is relinquished and revoked solely to the ex-
13 tent necessary—

14 (1) to exclude from the withdrawal the property
15 that is no longer needed; and

16 (2) to allow for the immediate conveyance of
17 the Federal land as required under this Act.

18 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

19 Notwithstanding section 203 of the Federal Land
20 Policy and Management Act of 1976 (43 U.S.C. 1713),
21 the boundary of the River Mountains Area of Critical En-
22 vironmental Concern (NVN 76884) is adjusted to exclude
23 any portion of the Three Kids Mine Project Site consistent
24 with the map.

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

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

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