

MANAGER'S INFORMATION REPORT

OFFICE OF THE COUNTY MANAGER
CLARK COUNTY, NEVADA

MIR No.: 5561

DONALD G. BURNETTE
County Manager

Date: 11/30/2011

JEFFREY M. WELLS
Assistant County Manager

Originating
Department: Department of Aviation

RANDALL J. TARR
Assistant County Manager

Contact/Ext: Randall H. Walker/261-5150

EDWARD M. FINGER
Assistant County Manager

Issue: CMA TERMINATION

Subject/Issue Statement:

The United States Department of Interior - Bureau of Land Management (BLM) has determined that the Cooperative Management Agreement (CMA – see Attachment 1) between itself and Clark County is no longer necessary since conditions in that agreement have been accomplished and the lands have been transferred into Clark County ownership. The CMA agreement is terminated, effective October 1, 2011 (see Attachment 2). However, the legislation which authorized the transfer of the lands requires that use of the lands be limited to those permitted by Airport Noise Compatibility Planning provisions (see Attachment 3, Section 4[g][3]). Airport Noise Compatibility Planning is also known as the Federal Aviation Regulation (FAR), Part 150 – Airport Noise Compatibility Planning program (hereafter referred to as *Part 150*). FAR Part 150 identifies land uses compatible with airport operations, based on exposure to average noise levels (see Attachment 4).

On October 3, 2006, the Board of County Commissioners (Board) directed the Department of Aviation (DOA) to forward an update of McCarran International Airport's (LAS) Part 150 to the Federal Aviation Administration (FAA). The FAA approved LAS's Part 150 on September 18, 2008. LAS's updated Part 150 included long-term forecast (2017) noise contours. The 2017 noise contours were codified into the Clark County Development Code as the revised Airport Environs Overlay District (see Attachment 5) on June 4, 2008.

One of the noise compatibility measures supported by the Board and approved by the FAA includes working with other agencies with airport-related land use compatibility in areas exposed to aircraft noise levels with a day-night annual average of 60 decibels, A-weighted, [60 DNL] and higher. The 2017 60 DNL is significantly smaller than that on which the CMA was based (see Attachment 6). However, the adoption of more recent and smaller noise contours by Clark County does not change conditions of the CMA and the lands transfer legislation. In the spirit of the CMA, conditions imposed by the lands transfer legislation, revisions to LAS's Part 150, and other ongoing planning considerations, land use restrictions should be imposed on all lands owned or once owned by the Department of Aviation, with the exception of APN 177-20-701-007 (an undeveloped portion of the Cactus Ridge Mobile Home Park) and APN 191-30-601-001 (an isolated parcel near Sloan, NV, acquired to construct a non-urban heliport).

Summary:

The CMA contained definitions of uses that were either compatible or incompatible with aircraft noise levels (see Attachment 1, Section IV [G] and [H]). Since 1998, CMA-related land use limitations have been included on deed restrictions for CMA lands sold or otherwise conveyed. Now that the CMA is terminated, the definitions of "compatible" and "incompatible" uses contained in ground leases and deed restrictions placed upon any DOA parcels being sold or

otherwise conveyed, with the exception of APN 177-20-701-007 and 191-30-601-001, should be revised as follows (also see Attachment 7):

Beyond AE-60: Incompatible uses include those deemed a hazard to air navigation, and any type of residential use (including mobile homes, dormitories, group quarters, and extended stay facilities where an occupant can remain on the property for 30 days or more).

AE-60: Incompatible uses include those deemed a hazard to air navigation; any type of residential use (including mobile homes, dormitories, group quarters, and extended stay facilities [defined as 30 days or more]); schools (excluding undergraduate and graduate classroom settings higher than the 12th grade, and training facilities); hospitals; care centers (including nursing homes and overnight recovery centers); and religious institutions. **Permitted uses once prohibited by CMA include transient lodging and recreational vehicle parks (with less than 30 days stay); resorts; auditoriums and concert halls; amusement parks and outdoor sports arenas; museums and zoos; and public assembly.**

AE-65: Incompatible uses include those deemed a hazard to air navigation; any type of residential use (including mobile homes, dormitories, group quarters, and extended stay facilities [defined as 30 days or more]); schools (including undergraduate and graduate classroom settings higher than the 12th grade, but excluding training facilities [where degrees and diplomas are not awarded]); hospitals; care centers (including nursing homes and overnight recovery centers); religious institutions; transient lodging and recreational vehicle parks (with less than 30 days stay); resorts; auditoriums (excluding movie theaters) and concert halls; amusement parks and outdoor sports arenas; museums and zoos. **Permitted uses once prohibited by CMA include public assembly.**

AE-70: Incompatible uses include those deemed a hazard to air navigation; any type of residential use (including mobile homes, dormitories, group quarters, and extended stay facilities [defined as 30 days or more]); schools (including undergraduate and graduate classroom settings higher than the 12th grade, but excluding training facilities [where degrees and diplomas are not awarded]); hospitals; care centers (including nursing homes and overnight recovery centers); religious institutions; transient lodging and recreational vehicle parks (with less than 30 days stay); resorts; auditoriums (excluding movie theaters) and concert halls; amusement parks and outdoor sports arenas; museums and zoos. **Permitted uses once prohibited by CMA include public assembly.**

Market values for CMA parcels conveyed since 1998 should have been based on the CMA conditions in place at that time. Because the definitions of incompatible and compatible uses are being revised, circumstances may arise where additional uses could be sought on parcels that already include legally-binding CMA-related deed restrictions. The removal of existing CMA-related deed restrictions on parcels conveyed since 1998 will likely have an added value to the property. Therefore, additional payment may be warranted by the property owner or lessee to the DOA if the property owner or lessee requests that the existing deed restrictions be modified and the appraisal used to determine the original market value accounted for such restrictions.

Background:

Since the mid 1960s, for noise abatement purposes, there has been a desire to keep LAS's aircraft traffic patterns over industrial or commercial uses, or over open/vacant lands. Half a century ago, much of the land west and southwest of LAS was sparsely populated.

In 1981, the first comprehensive noise study was conducted for LAS. That study recommended that the large public land holdings west and southwest of LAS continue to be maintained by the BLM to ensure that the undeveloped land would remain a compatible use with LAS operations. As the Las Vegas Valley grew throughout the 1980s, the BLM was continually pressured by local developers and released many parcels of land for future residential development.

The 1992 CMA was a result of two governmental entities (the BLM and Clark County) attempting to meet their mandates in a mutually beneficial, cooperative fashion - the BLM managing thousands of acres of land in southern Nevada (with limited resources) and Clark County (as the owner and operator of LAS) meeting its FAA mandate of maintaining land use compatibility around the airport. Since a great deal of federal land (approximately 5,000 acres) was located below primary departure patterns for LAS, the opportunity for some innovative, compatible land use planning existed. In exchange for the opportunity to review and comment on the proposed sale of BLM land in the CMA area (identified as the forecasted 1992 60 DNL and above), Clark County agreed to provide property patrol and management services for the land. (The 1992 60 DNL was based on LAS's initial Part 150, presented to the Board on January 17, 1989, and approved by the FAA on September 27, 1989.) The CMA specifically prohibited the BLM from allowing airport-incompatible uses to be developed on its lands, unless otherwise approved by Clark County. These incompatible uses included single-family residential; multi-family residential; student housing; transient lodging and resorts; religious uses; health and day care facilities; schools and auditoriums; and amusement parks, outdoor sports areas, and zoos. Since 1992, the Department of Aviation has ensured that the CMA conditions are adhered to through its review of land use development applications and the recording of deed restrictions when CMA lands are sold or leased.

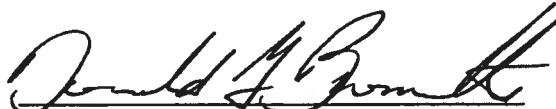
In 1999, the CMA lands were patented to Clark County in accordance with the provisions of the 1998 Southern Nevada Public Land Management Act. The land use compatibility criteria in the 1992 CMA still applied, with most of the proceeds from land conveyances continuing to be paid to the BLM.

On October 3, 2006, the Board officially updated its FAR Part 150 Noise Compatibility Program for LAS when it directed the Department of Aviation to forward an update of LAS's Part 150 to the FAA. Noise contours were developed for a base year (2004), a short-term forecast (2011), and a long-term forecast (2017). The 2017 noise contours were codified into the Clark County Development Code (Title 30) as the revised Airport Environs Overlay District. The current 60 DNL is significantly smaller than that upon which the CMA was based. The adoption of more recent noise contours into Title 30 does not automatically amend the 1992 CMA and the conditions of the 1998 SNPLMA. The "differing" 60 DNLs (Title 30 versus CMA) has caused some confusion among the development community, land use planners, and real estate brokers.

The CMA included a cancellation clause whereby either party could provide a 30-day notice of termination. Since the BLM has not owned the CMA lands since 1998, the BLM requested termination on June 20, 2011, and the termination became effective October 1, 2011. The termination does not cancel the funding provisions contained within the 1998 SNPLMA (with 85% of gross proceeds generated by the sale, lease, or other conveyance of CMA lands still being paid to the federal government). Since the termination of the CMA, the incompatible uses

for the former CMA lands are now defined by the FAR Part 150 Airport Noise Compatibility Planning guidelines versus those specifically listed in the 1992 CMA.

The FAR Part 150 Airport Noise Compatibility Planning guidelines clearly state that local authorities determine "acceptable and permissible land uses" within each DNL level. Therefore, merging past restrictions on CMA lands and current Title 30 standards, the definition of "incompatible use" should be redefined for each airport environs level. It is important to note that although these standards are somewhat less restrictive than those contained in the CMA, they remain more restrictive than Title 30 regulations.

A handwritten signature in black ink, appearing to read "Donald G. Burnette", is written over a horizontal line.

DONALD G. BURNETTE
County Manager

Attachments

Interim Cooperative Management Agreement
between
The United States Department of the Interior -
Bureau of Land Management

and

Clark County

The Bureau of Land Management (BLM) administers slightly less than 5,000 acres of vacant land that lie underneath the primary airspace used for aircraft departing from McCarran International Airport in Las Vegas, Nevada. Whereas the BLM regularly sells federal land in southern Nevada under the Santini-Burton Act of December 23, 1980 (94 Stat. 3382) to the general public who could develop said land in uses that would be incompatible with high levels of aircraft noise, and since Clark County, through the Department of Aviation (DOA) has the resources to cooperate with the BLM in the management of the affected lands, there is an opportunity to create a mutually beneficial relationship.

I. Background

Incompatible development in areas adjacent to McCarran Airport in the past several years has accentuated the need for additional noise mitigation measures. Effective measures that have been implemented thus far by the DOA include the following:

In 1986, the Clark County Board of Commissioners adopted the Airport Environs Overlay District, which was incorporated as Chapter 29.51 in the County's Zoning Ordinance and as Chapter 22.22, "Noise Attenuation Construction Standards", in the County's Building Code. The overlay district includes: 1) specifications for land uses appropriate in areas exposed to various levels of aircraft noise, 2) requirements for soundproofing of structures that would contain noise sensitive activities, and 3) requirements for the granting of aviation easements to the County.

In addition, in March, 1989, the Board of County Commissioners approved a Noise Compatibility Program for McCarran International Airport. The program was developed under the Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 150, Airport Noise Compatibility Planning guidelines. An FAR Part 150 Noise Study consists of two major products: 1) airport noise exposure maps for the most recent calendar year and for five years in the future, and 2) a noise compatibility program with recommendations to reduce the effects of airport noise on people living and working in the airport environs. Many of these recommendations have been implemented.

Planning projections indicate that air traffic activity at McCarran Airport will continue to increase, and by the year 2005, McCarran is expected to be the eleventh busiest airport in the nation. Some important goals of McCarran Airport in light of these projections are to continue to mitigate aircraft noise to the extent possible, maintain a good neighbor posture with the community, and maintain airport capacity. The most effective method to accomplish these goals is to prevent future incompatible development in noise impacted areas.

II. Purpose

This agreement sets forth the responsibilities of Clark County, through the Department of Aviation and the Las Vegas District, Bureau of Land Management, United States Department of the Interior, in their cooperative management of the lands underneath the departure flight tracks from Runways 25R, 25L, 19R, and 19L at McCarran International Airport, as depicted in Exhibit 1. The objectives of this agreement are as follows:

- A. To provide proper land use planning and management to protect against the encroachment of incompatible land uses on federal land under the airspace used for aircraft departing to the west and southwest of McCarran International Airport.
- B. To facilitate the efficient management and protect against unlawful use of public land in these areas.
- C. To ensure that the affected areas are regularly patrolled and monitored to reduce unlawful disposal of trash, litter and hazardous materials.
- D. To prevent the transfer of public lands to private ownership without the concurrence of Clark County.

III. Authority

- A. The Bureau of Land Management enters into this cooperative agreement under the authority contained in: Sec. 307(b), Federal Land Policy and Management Act (FLPMA) of October 21, 1976, P.L. 94-579 (90 STAT. 2763, 43 USC1733), and Section 202(c)(9) of FLPMA as delegated in BLM Manual 1203 and Nevada Supplement.
- B. Clark County enters into this cooperative agreement under the authority contained in: Nevada Revised Statutes Section 277.180.

IV. Definitions

- A. BLM: means the Bureau of Land Management.
- B. DOA: means the Clark County Department of Aviation.
- C. District Manager: means the Bureau of Land Management's District Manager, Las Vegas, NV.
- D. Director of Aviation: means the Director of Aviation for Clark County.
- E. Board: means the Clark County Board of Commissioners.
- F. Project Site: means all the existing public land with individual areas to be omitted from the operation of this agreement as additional public land in the future, is conveyed into non-Federal ownership, with the concurrence of Clark County, located in the 60 and above day-night average decibel level (LDN) as depicted by the yellow line on Exhibit 1.
- G. Compatible Use: means land uses including but not limited to: mining, sand and gravel extraction, utility rights-of-way, commercial uses such as office, business, professional, wholesale and retail, building materials, hardware, contract construction, manufacturing and production, communication, transportation, railroad, motor vehicle, rapid transit and street railway transportation, street and highway right-of-way, parking, general dispersed recreation, golf courses, and drainage facilities.
- H. Incompatible Use: means land uses including but not limited to: rural estates, residential, single family homes, mobile homes, low density, medium density and high density housing, transient lodging, apartments, group quarters, condominiums, townhouses, churches, hospitals, carecenters, nursing homes, schools, auditoriums, concert halls, fraternity and sorority housing, recreational vehicle parks, public assembly, amusement parks, outdoor sports arenas, zoos, and resorts.

V. Provisions

This Agreement shall begin on the day of signing by both the above mentioned parties to this Agreement and shall continue indefinitely until terminated in writing upon thirty days notice by either of the parties to the Agreement. Both parties agree to meet thirty days prior to termination of this Agreement to discuss the reasons for termination. For purposes of modifying this Agreement, both parties shall meet once a year to discuss land use

objectives, opportunities and concerns, and prepare an annual operating agreement. The annual operating agreement shall detail specific objectives, needs, operational plans, evaluate each party's roles, and work out any difficulties. However, should immediate modifications to the Agreement be required by either party, at any time, both parties may meet and upon written agreement, the modifications shall be incorporated into the Agreement subject to concurrence of both parties.

Both parties recognize that this Agreement shall not be used to grant any use, without the appropriate authority, to Clark County. In addition, it is recognized that neither agency may enter into other cooperative management agreements with other entities concerning management of the Project Site without written agreement from both parties.

VI. Responsibilities


A. Clark County through the DOA shall:

1. Designate Mr. Thomas L. Nash, Senior Management Analyst, as the primary DOA contact and Mr. Jacob L. Snow, Principal Airport Planner, as the alternate DOA contact, authorized to act as a liaison to the Bureau. The primary and alternate contact may be re-authorized by DOA as needed.
2. Share data, maps, planning documents and other information necessary for decision making and coordinated planning of facilities.
3. Provide recommendations to BLM on the types of activities and compatible land uses that could be allowed on the site and how those activities would be managed. In addition, Clark County recognizes that the area will not be withdrawn from the 1872 Mining Law.
4. Provide a random/routine patrol to identify and report hazardous waste, refuse dumping, and other unauthorized use of the area. With BLM concurrence, NO DUMPING signs will also be posted at strategic locations on the Project Site. The DOA assumes no additional liability for hazardous waste other than that which is required by law.
5. If required, prepare an Environmental Assessment (EA) of the Project Site in a manner meeting BLM's regulatory requirements, within twelve months from the enactment of this agreement.
6. Examine the feasibility of the ultimate purchase or otherwise attempt to provide for the permanent management of the lands contained in the Project Site by Clark County.

B. BLM shall:

1. Designate in writing one contact and one alternate contact authorized to act as a liaison to the DOA.
2. Share data, maps, planning documents and other information necessary for decision making and coordinated planning of facilities.
3. Receive recommendations from the DOA on types of activities and compatible land uses that could be allowed on the site and how those activities would be managed.
4. Provide Clark County with notification of proposed actions for all development proposals, on the Project Site and also provide the DOA with the opportunity to review and comment on all such proposals. DOA review and comment on proposed design and construction of BLM facilities on Project Site lands is not required.
5. The BLM will continue to exercise its responsibilities in the project site for the resource management activities including but not limited to; lands, minerals, forestry, watershed, wild horses and burros, wildlife habitat, cultural resources, fire protection and livestock grazing, paleontological resources, vegetation management, and recreation.
6. Work with the DOA to make every reasonable effort to ensure that the Project Site either remains vacant and unimproved or is developed in a compatible use.

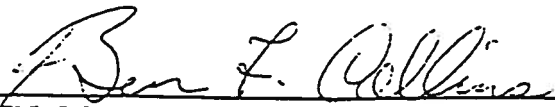
VII. Signatures:



JAY BINGHAM
Chairman
Clark County Board of Commissioners

November 4, 1992

Date



BEN COLLINS
Las Vegas District Manager
Bureau of Land Management

10/16/92

Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Southern Nevada District Office

4701 N. Torrey Pines Drive

Las Vegas, NV 89130

<http://www.blm.gov/nv/st/en/fo/lvfo.1.html>

In Reply Refer To:
1785 (NVS0000)

SEP 01 2011

Susan Brager, Chair
Clark County Board of Commissioners
500 South Grand Central Parkway, 6th Floor
Las Vegas, Nevada 89155

Dear Ms. Brager:

On June 20, 2011, the Bureau of Land Management (BLM) Southern Nevada District Office sent the Clark County Board of Commissioners a letter requesting termination of the 1992 Interim Cooperative Management Agreement (Agreement) between BLM and Clark County Department of Aviation (DOA). The Agreement addresses federal lands which surrounded McCarran International Airport at the time of the Agreement in 1992. Our June 20 letter also stated BLM's intention to schedule a meeting with DOA pursuant to Section V. of the Agreement, which requires a discussion of the reasons for termination.

On August 31, 2011, Bob Ross, Las Vegas BLM Field Manager, discussed termination of the Agreement with Teresa Motley, Airport Planning Manager. It was mutually agreed that because the United States has transferred all of its rights, title, and interest in all public lands within the cooperatively managed area delineated in the Agreement, that the Agreement will be terminated effective October 1, 2011, in accordance with the provisions of Section V.

If you have any questions, please do not hesitate to contact me at 702-515-5093.

Sincerely,

for W/B.L.M. W/B.L.M.
Mary Jo Rugwell
District Manager

cc: Randall H. Walker
Director of Aviation
Clark County Department of Aviation
P.O. Box 11005
Las Vegas, Nevada 89111-1005

PUBLIC LAW 105-263—OCT. 19, 1998

112 STAT. 2343

Public Law 105-263
105th Congress

An Act

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

Oct. 19, 1998
[H.R. 449]

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

Southern Nevada
Public Land
Management Act
of 1998.
31 USC 6901
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Public Land Management Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley, Nevada, making many of these parcels difficult to manage and more appropriate for disposal.

(2) In order to promote responsible and orderly development in the Las Vegas Valley, certain of those Federal lands should be sold by the Federal Government based on recommendations made by local government and the public.

(3) The Las Vegas metropolitan area is the fastest growing urban area in the United States, which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas Valley.

(b) PURPOSE.—The purpose of this Act is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "unit of local government" means Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson; all in the State of Nevada.

(3) The term "Agreement" means the agreement entitled "The Interim Cooperative Management Agreement Between The United States Department of the Interior—Bureau of Land Management and Clark County", dated November 4, 1992.

(4) The term "special account" means the account in the Treasury of the United States established under section 4(e)(1)(C).

(5) The term "Recreation and Public Purposes Act" means the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (43 U.S.C. 869 et seq.).

(6) The term "regional governmental entity" means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Director of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled "Las Vegas Valley, Nevada, Land Disposal Map", dated April 10, 1997. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

(b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

(1) RECREATION AND PUBLIC PURPOSE ACT CONVEYANCES.—Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act. Pursuant to any such election, the Secretary shall retain the elected lands for conveyance to the State of Nevada or such unit of the local government in accordance with the provisions of the Recreation and Public Purposes Act.

(2) RIGHTS-OF-WAY.—

(A) ISSUANCE.—Upon application, by a unit of local government or regional governmental entity, the Secretary, in accordance with this Act and the Federal Land Policy and Management Act of 1976, and other applicable provisions of law, shall issue right-of-way grants on Federal lands in Clark County, Nevada, for all reservoirs, canals, channels, ditches, pipes, pipelines, tunnels, and other facilities and systems needed for—

(i) the impoundment, storage, treatment, transportation, or distribution of water (other than water from the Virgin River) or wastewater; or

(ii) flood control management.

(B) DURATION.—Right-of-way grants issued under this paragraph shall be valid in perpetuity.

(C) WAIVER OF FEES.—Right-of-way grants issued under this paragraph shall not require the payment of rental or cost recovery fees.

(3) YOUTH ACTIVITY FACILITIES.—Within 30 days after a request by Clark County, Nevada, the Secretary shall offer to Clark County, Nevada, the land depicted on the map entitled "Vicinity Map Parcel 177-28-101-020 dated August 14, 1996, in accordance with the Recreation and Public Purposes Act for the construction of youth activity facilities.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands identified in subsection (a) for disposal are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

(d) SELECTION.—

(1) JOINT SELECTION REQUIRED.—The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select lands to be offered for sale or exchange under this section. The Secretary shall coordinate land disposal activities with the unit of local government in whose jurisdiction such lands are located. Land disposal activities of the Secretary shall be consistent with local land use planning and zoning requirements and recommendations.

(2) OFFERING.—After land has been selected in accordance with this subsection, the Secretary shall make the first offering of land as soon as practicable after the date of the enactment of this Act.

(e) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this subsection in a fiscal year—

(A) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(B) 10 percent shall be paid directly to the Southern Nevada Water Authority for water treatment and transmission facility infrastructure in Clark County, Nevada; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States for use pursuant to the provisions of paragraph (3).

Amounts in the special account shall be available to the Secretary without further appropriation and shall remain available until expended.

(2) LAND EXCHANGES.—

(A) PAYMENTS.—In the case of a land exchange under this section, the non-Federal party shall provide direct payments to the State of Nevada and the Southern Nevada Water Authority in accordance with paragraphs (1)(A) and (B). The payments shall be based on the fair market value of the Federal lands to be conveyed in the exchange and shall be considered a cost incurred by the non-Federal party that shall be compensated by the Secretary if so provided by any agreement to initiate exchange.

(B) PENDING EXCHANGES.—The provisions of this Act, except this subsection and subsections (a) and (b), shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized

representative of the exchange proponent and an authorized officer of the Bureau of Land Management prior to February 29, 1996.

(3) AVAILABILITY OF SPECIAL ACCOUNT.—

(A) IN GENERAL.—Amounts deposited in the special account may be expended by the Secretary for—

(i) the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h), with priority given to lands located within Clark County;

(ii) capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area;

(iii) development of a multispecies habitat conservation plan in Clark County, Nevada;

(iv) development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and

(v) reimbursement of costs incurred by the local offices of the Bureau of Land Management in arranging sales or exchanges under this Act.

(B) PROCEDURES.—The Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.

(C) LIMITATION.—Not more than 25 percent of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4)) may be used in any fiscal year for the purposes described in subparagraph (A)(ii).

(f) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended according to the provisions of subsection (e)(3).

(g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER.—Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

(1) Valid existing rights.

(2) Clark County agrees to manage such lands in accordance with the Agreement and with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated pursuant to that section.

(3) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed or leased by Clark County, such sale, lease, or other conveyance shall contain a limitation which requires uses compatible with the Agreement and such Airport Noise Compatibility Planning provisions.

(4) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed by Clark County, such lands shall be sold, leased, or otherwise conveyed for fair market value. Clark County shall contribute 85 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the special account. If any of such lands sold, leased, or otherwise conveyed by Clark County are identified on the map referenced in section 2(a) of the Act entitled "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", approved December 23, 1980 (94 Stat. 3381; commonly known as the "Santini-Burton Act"), the proceeds contributed to the special account by Clark County from the sale, lease, or other conveyance of such lands shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Santini-Burton Act. Clark County shall contribute 5 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the State of Nevada for use in the general education program of the State, and the remainder shall be available for use by the Clark County Department of Aviation for the benefit of airport development and the Noise Compatibility Program.

SEC. 5. ACQUISITIONS.

(a) ACQUISITIONS.—

(1) DEFINITION.—For purposes of this subsection, the term "environmentally sensitive land" means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(2) IN GENERAL.—After the consultation process has been completed in accordance with paragraph (3), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used with any other funds made available under any other provision of law.

(3) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary or the Secretary of Agriculture shall consult with the State of Nevada and with local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.

Consultation under this paragraph is in addition to any other consultation required by law.

(b) **ADMINISTRATION.**—On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

(c) **DETERMINATION OF FAIR MARKET VALUE.**—The fair market value of land or an interest in land to be acquired by the Secretary or the Secretary of Agriculture under this section shall be determined pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and shall be consistent with other applicable requirements and standards. Fair market value shall be determined without regard to the presence of a species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) **PAYMENTS IN LIEU OF TAXES.**—Section 6901(1) of title 31, United States Code, is amended as follows:

(1) By striking “or” at the end of subparagraph (F).

(2) By striking the period at the end of subparagraph

(G) and inserting “; or”.

(3) By adding at the end the following:

“(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1998 that is not otherwise described in subparagraphs (A) through (G).”.

SEC. 6. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report on all transactions under this Act.

SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.

(a) **TRANSFER OF REVERSIONARY INTEREST.**—

(1) **IN GENERAL.**—Upon request by a grantee of lands within Clark County, Nevada, that are subject to a lease or patent issued under the Recreation and Public Purposes Act, the Secretary may transfer the reversionary interest in such lands to other non-Federal lands. The transfer of the reversionary interest shall only be made to lands of equal value, except that with respect to the State of Nevada or a unit of local government an amount equal to the excess (if any) of the fair market value of lands received by the unit of local government over the fair market value of lands transferred by the unit of local government shall be paid to the Secretary and shall be treated under subsection (e)(1) of section 4 as proceeds from the sale of land. For purposes of this subsection, the fair market value of lands to be transferred by the State of

Nevada or a unit of local government may be based upon a statement of value prepared by a qualified appraiser.

(2) **TERMS AND CONDITIONS APPLICABLE TO LANDS ACQUIRED.**—Land selected under this subsection by a grantee described in paragraph (1) shall be subject to the terms and conditions, uses, and acreage limitations of the lease or patent to which the lands transferred by the grantee were subject, including the reverter provisions, under the Recreation and Public Purposes Act.

(b) **AFFORDABLE HOUSING.**—The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with section 203 of the Federal Land Planning and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as he may determine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low-income families as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA.

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended to read as follows:

“(2) The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled ‘Red Rock Canyon National Conservation Area Administrative Boundary Modification’, dated August 8, 1996.”.

Approved October 19, 1998.

LEGISLATIVE HISTORY—H.R. 449:

HOUSE REPORTS: No. 105-68 (Comm. on Resources).

SENATE REPORTS: No. 105-291 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Apr. 23, considered and passed House.

Vol. 144 (1998): Oct. 2, considered and passed Senate.



Table 1—Land Use Compatibility* With Yearly Day-Night Average Sound Levels

Land use	Yearly day-night average sound level (L _{dn}) in decibels					
	Below 65	65–70	70–75	75–80	80–85	Over 85
Residential						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
Public Use						
Schools	Y	N(1)	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

* The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

Key to Table 1

SLUCM=Standard Land Use Coding Manual.

Y (Yes)=Land Use and related structures compatible without restrictions.

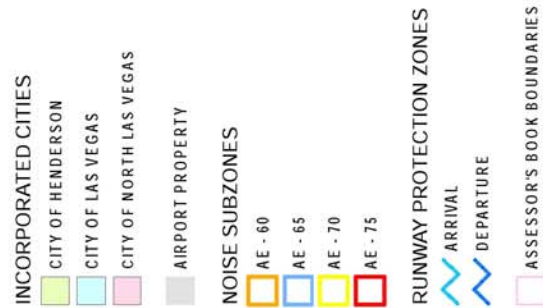
N (No)=Land Use and related structures are not compatible and should be prohibited.

NLR=Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

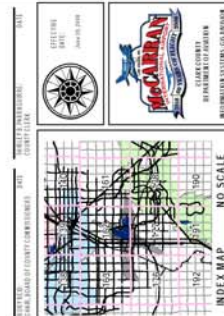
25, 30, or 35=Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

Notes for Table 1

- (1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- (2) Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (4) Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low.
- (5) Land use compatible provided special sound reinforcement systems are installed.
- (6) Residential buildings require an NLR of 25.
- (7) Residential buildings require an NLR of 30.
- (8) Residential buildings not permitted.



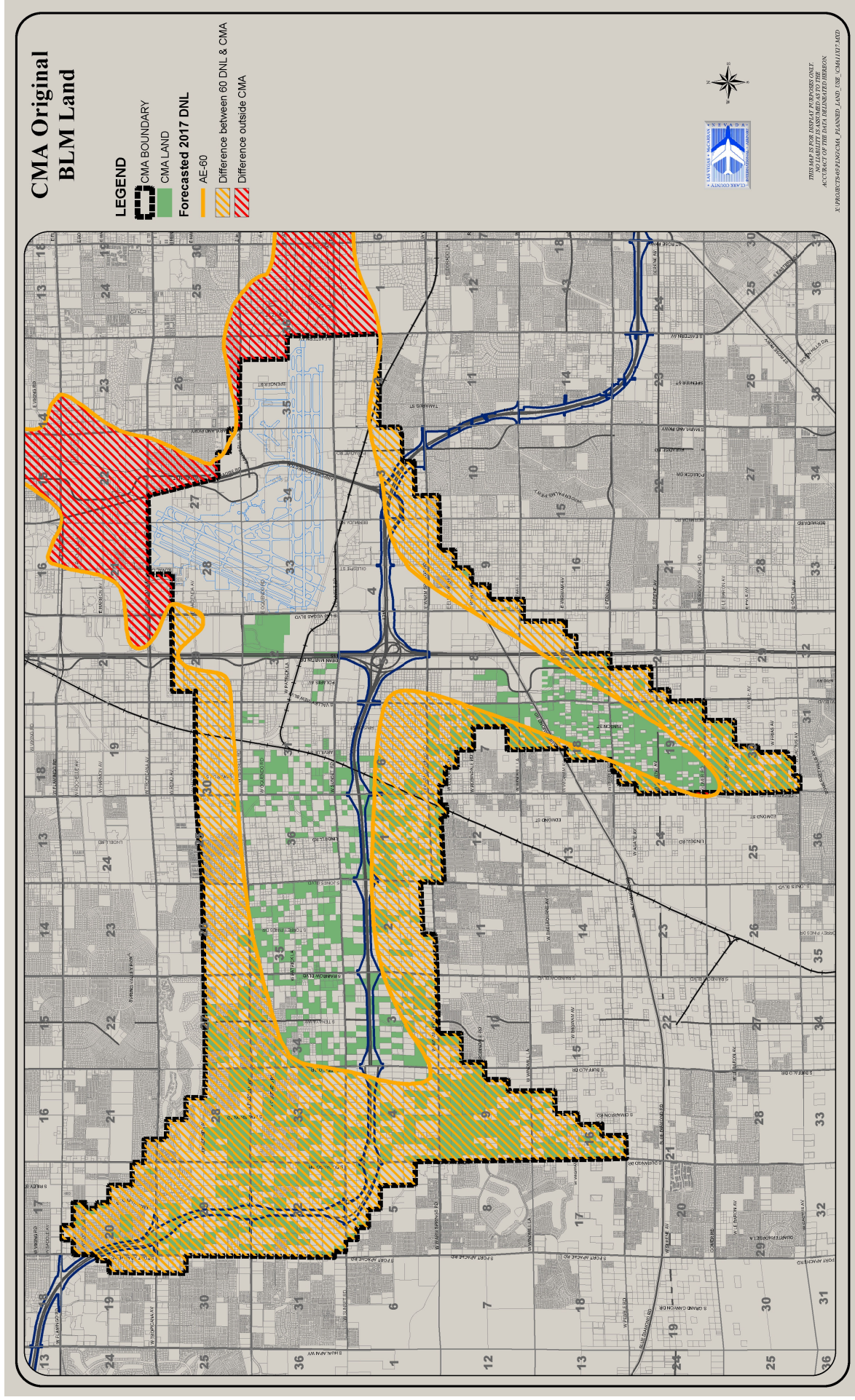
This is to certify that the McCarran International Airport Enroute map supercedes and replaces the Airport Enroute Overlay District map adopted April 5, 2008 as it applies to the Airport Enroute in the vicinity of McCarran International Airport, as covered by section 43.03.20 of the Clark County Code, of the State of Nevada.



THESE MAPS SHOULD ONLY BE USED FOR DISPLAY AND GENERAL INFORMATION PURPOSES. THE OFFICIAL ADOPTED WASTE CONFINEMENT MAPS, LOCATED IN THE CURRENT PLANNING DOCUMENT, ARE THE ONLY MAPS THAT SHOULD BE USED BY THE CURRENT PLANNING STAFF TO MAKE THE FINAL WASTE LEVEL OF DETERMINATION AT THE TIME OF ACTUAL SUBMITTAL OF A RESPONSE TO THE INFORMATION ON THESE MAPS. ANY CHANGES TO THE ADOPTED WASTE CONFINEMENT MAPS, THE INFORMATION ON THESE MAPS, OR THE ADOPTED WASTE CONFINEMENT MAPS, SHOULD BE SUBMITTED TO THE WASTE CONFINEMENT MAPS WORKING GROUP FOR REVIEW AND APPROVAL. THERE IS NO POSSIBILITY THAT AN OFFICIAL MAP WOULD BE DIFFERENT FROM THE ADOPTED MAPS. THERE IS NO POSSIBILITY THAT AN OFFICIAL MAP WOULD BE DIFFERENT FROM THE ADOPTED MAPS.

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2
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Difference between CMA (1992 60 DNL) and Title 30 AEOD (2017 60 DNL)



Incompatible Uses on Department of Aviation Parcels

AE-60

incompatible uses include those deemed a hazard to air navigation; any type of residential (including mobile homes, dormitories, group quarters, and extended stay facilities (defined as 30 days or more)); schools (excluding undergraduate and graduate classroom settings higher than the 12th grade, and training facilities); hospitals; care centers (including nursing homes and overnight recovery centers); and religious institutions. Permitted uses once prohibited by CMA include transient lodging and recreational vehicle parks (with less than 30 days stay); resorts; auditoriums and concert halls; amusement parks and outdoor sports arenas; museums and zoos; and public assembly.

AE-65

Incompatible uses include those deemed a hazard to air navigation; any type of residential (including mobile homes, dormitories, group quarters, and extended stay facilities [defined as 30 days or more]); schools (including undergraduate and graduate classroom settings higher than the 12th grade, but excluding training facilities [where degrees and diplomas are not awarded]); hospitals; care centers (including nursing homes and overnight recovery centers); religious institutions; transient lodging and recreational vehicle parks (with less than 30 days stay); resorts; auditoriums (excluding movie theaters) and concert halls; amusement parks and outdoor sports arenas; museums and zoos. Permitted uses once prohibited by CMA include public assembly.

AE-70

Incompatible uses include those deemed a hazard to air navigation; any type of residential (including mobile homes, dormitories, group quarters, and extended stay facilities [defined as 30 days or more]); schools (including undergraduate and graduate classroom settings higher than the 12th grade, but excluding training facilities [where degrees and diplomas are not awarded]); hospitals; care centers (including nursing homes and overnight recovery centers); religious institutions; transient lodging and recreational vehicle parks (with less than 30 days stay); resorts; auditoriums (excluding movie theaters) and concert halls; amusement parks and outdoor sports arenas; museums and zoos. Permitted uses once prohibited by CMA include public assembly.

Outside the AE-60

Incompatible uses include those deemed a hazard to air navigation, and any type of residential use (including mobile homes, dormitories, group quarters, and extended stay facilities where an occupant can remain on the property for 30 days or more), with the exception of APN 177-20-701-007 and 191-30-601-001.

McCarran AE 2017

AF60

UCL

AE65

AE70

AE75

Current DOA Property

Historical DOA Property

Date: Nov 16, 2011

Date: NOV 16, 2011
File Location: H:/GIS/projects-11/PLNG/PLNG-014/BCC MIR v1

Note: The information portrayed is for display purposes only. No liability is assumed as to the accuracy of the data delineated herein.

