

VCongressional Record -- House

Tuesday, November 21, 1989

101st Cong. 1st Sess.

135 Cong Rec H 9249

REFERENCE: Vol. 135 No. 165 -- Part 2

TITLE: NEVADA WILDERNESS PROTECTION ACT OF 1989

SPEAKER: Mr. BILBRAY; Mr. VENTO; Mrs. VUCANOVICH

TEXT: [*H9249] Mr. VENTO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendments: Page 11, after line 6, of the Senate engrossed bill, insert:

(e) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Nevada designated by this Act. Nothing in this Act, nor in any legislative history accompanying this Act related to reserved Federal water rights, shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto.

The SPEAKER pro tempore (Mr. Hall of Texas). Is a second demanded?

Mrs. VUCANOVICH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. Vucanovich] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment to House amendments presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course I support the passage of S. 974, the Nevada Wilderness Protection Act. This bill would designate 733,000 acres of wilderness in 14 areas. It is essentially the same bill that the House approved by a wide margin last Friday (November 17). The Senate, however, has amended section 8 which provides a Federal reserved water right for wilderness. The amendment clarifies that this reserved water right applies only to the wilderness areas designated by this bill and that this act is not a precedent for future designations or to be used to interpret other acts. In the spirit of compromise with the other body, I reluctantly support this amendment and urge my colleagues once again to support the passage of S. 974.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. Bilbray].

Mr. BILBRAY. Mr. Speaker, I thank the gentleman for yielding.

We support the bill; both Senators from Nevada and myself support the amendment and urge my colleagues to support the language as proposed by the Senate and to vote "yes" on this amendment, to suspend the rules and pass this bill.

[*H9250] Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in continued opposition to the Nevada Wilderness bill, S. 974. The amendment of the Senate added late last night does indeed act to correct some of my misgivings about this bill -- but certainly not all of them.

Though I continue to argue strenuously that a Federal reserved water right is clearly not necessary given the circumstances of this bill -- headwaters areas within National Forest reserves -- the new section 8 paragraph (e) helps by making it expressly clear that this bill is not be considered a precedent. Mr. Speaker, I would like stronger language to clarify that the courts of the State of Nevada are the proper forum for litigation of water adjudication questions, but the current language is a major improvement. Most importantly, when we are in this Chamber in the not-too-distant future deciding questions of BLM-land wilderness designations, we will not be saddled with the burden of this bill

having established reserved water rights precedents. When downstream areas are considered for wilderness we must revisit the water rights issue.

Despite the Senate's amendment I must still speak out against the bill. It still contains nearly twice the acreage that the administration wants. It still removes from multiple-use management tens of thousands of acres that are highly prospective for oil and gas discoveries. Mr. Speaker, the largest flowing well in the lower 48 States is in Railroad Valley, NV, immediately adjacent to a proposed wilderness area. The geology was sufficiently favorable to convince this body not to designate the area in 1987. Why should we lock it up today?

Likewise in a previous Nevada wilderness bill passed by this body we designated the Mt. Rose area as a National Recreation Area rather than wilderness per se. Why? Because my constituents utilize a portion of the area as a snowmobile corridor, a use that will be disallowed in wilderness. Otherwise NRA status protects the land in a similar manner as wilderness designation -- no mining or mineral leasing, no timber harvesting, and so forth. Mr. Speaker, if NRA status was preferred in 1987 why is it no longer preferred?

For these reasons and all the remaining unstated reasons that are in the committee's record, and the record developed on the floor last week, I voice my opposition to S. 974.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, this bill releases 2.4 million acres of land for multiple use in Nevada which is part of the roadless area study. It means that of the 5 million-plus acres of national forest lands, less than 15 percent would be wilderness. It would be the first wilderness we have added to Nevada since the passage of the Wilderness Act some 25 years ago. This is a moderate measure, a reasoned measure, one that this House opted to pass last week by 323 votes in favor to 75 against.

Mr. Speaker, I think it demonstrates the overwhelming support of this body for this measure.

This is essentially the same bill with the differences that I articulated in my opening statement.

Mr. Speaker, I do not believe there is a necessity to continue to debate. The House has spoken. I think it will speak again.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill S. 974.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.