

**Statement for the Record  
Bureau of Land Management  
Department of the Interior  
Senate Energy and Natural Resources Committee  
Subcommittee on National Parks  
S. 974, Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument  
July 31, 2013**

Thank you for inviting the Department of the Interior to testify on S. 974, the Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument Act. The Department generally supports S. 974 and would welcome the opportunity to work with the Sponsor and Committee on modifications to provisions of the bill.

**Background**

The Las Vegas Valley is home to nearly 2 million people, the famous Las Vegas Strip, spectacular desert landscapes, and historic, cultural, and paleontological treasures. Balancing the protection of these important natural, cultural, and scientific resources with economic development and growth is a challenge embraced by Senator Reid and the Nevada delegation. Over the last 20 years, a number of laws have been enacted to help maintain that balance. Among these are: the Red Rock Canyon National Conservation Area Establishment Act (P.L. 101-621); the Southern Nevada Public Land Management Act (P.L. 105-263); and the Clark County Conservation of Public Land and Natural Resources Act (P.L. 107-282), several of which are the subject of today's hearing.

**S. 974**

***Tule Springs Fossil Beds National Monument (Section 2)***

S. 974 would designate a new unit of the National Park Service (NPS) – the Tule Springs Fossil Beds National Monument. This bill would transfer administrative jurisdiction of approximately 22,650 acres of public land from the Bureau of Land Management to the National Park Service. The bill would establish the Tule Springs Fossil Beds National Monument Advisory Commission to provide guidance for the management of the Monument.

The Department supports the establishment of the Tule Springs Fossil Beds National Monument and the Advisory Council. The NPS does not currently have a park designated specifically to protect and interpret Pleistocene fossils and the creation of this site would comprise the most significant Pleistocene paleontological resources in the American southwest. However, since a special resource study has not been completed, there are many outstanding questions regarding the most efficient and effective means for managing this area.

The NPS completed a Reconnaissance Report for the Upper Las Vegas Wash/Tule Springs area in June 2010. Preliminary findings from this report indicated that the resources in this area appeared to be nationally significant and suitable for inclusion in the national park system but further study would be needed to compare the resources of Tule Springs to other similar areas that represent nationally significant resources of the late Pleistocene epoch. Preliminary findings also indicated that the area is potentially feasible but that the initial determination would greatly benefit from a full study of alternatives that would more fully examine site issues such as vandalism, unauthorized removal of fossils, and ORV use that may affect future options for

management and protection of the area. Additionally, the report recommends an analysis of operational costs, particularly those associated with an active paleontology management program involving the preparation and curation of fossils, such as collection storage equipment, materials and supplies, dedicated curation space, and staff time to prepare fossils.

Section 2(d)(5)(B)(IV) directs the NPS to include a travel management plan for the national monument that may include existing public transit. Although it is unclear what is being proposed by this language, this proposed monument is on the border of the cities of Las Vegas and North Las Vegas and transit options for existing residents will be taken in account during the planning process.

Finally, section 2(e) provides for a renewable energy transmission corridor to be managed by the Bureau of Land Management (BLM) on the north side of the new National Monument. The BLM recommends that this narrow strip of land be withdrawn from the mining and mineral leasing laws, and that access to these lands be limited to administrative uses in order to avoid incompatible activities.

### ***Red Rock Canyon National Conservation Area Additions (Section 3)***

First established by an Act of Congress in 1990, the 196,000-acre Red Rock Canyon National Conservation Area (NCA) is located 17 miles west of the Las Vegas Strip. The NCA welcomes over one million visitors annually who are looking to explore the natural wonders beyond the traditional Las Vegas experience. The Red Rock Canyon NCA offers opportunities for hiking, rock climbing, horseback riding, biking, and photography. A 13-mile scenic drive provides an up close look at this spectacular desert landscape.

The BLM supports the provisions of S. 974 (Section 3) which propose to expand the boundaries of the NCA by approximately 1,540 acres. We would like to work with the Sponsor and the Committee on some minor boundary modifications to improve manageability of the NCA addition.

### ***Conveyances to the Cities of North Las Vegas & Las Vegas (Sections 4 & 5)***

S. 974 (Sections 4 & 5) provides for the conveyance of public lands to the city of North Las Vegas (645 acres) and the city of Las Vegas (660 acres) respectively at no cost. The lands proposed for conveyance are within the Southern Nevada Public Land Management Act (SNPLMA) (P.L. 105-263) boundary established by Acts of Congress. Under these provisions of the bill, the two local governments would then be able to sell, lease, or otherwise convey these lands at fair market value to third parties. All revenues derived from these conveyances would be distributed consistent with direction under SNPLMA as if the conveyances had been undertaken by the BLM under its existing authorities. Additionally, the bill would allow these governments to retain some of the lands for uses consistent with those allowed under the Recreation and Public Purposes (R&PP) Act, such as for schools, parks and fire stations. All costs related to the initial transfer of land to the city governments or from them to third parties would be the responsibility of the cities of North Las Vegas and Las Vegas.

SNPLMA identified these lands for disposal, and specified the use of the proceeds from the sale of these lands. By transferring the lands to the cities of North Las Vegas and Las Vegas, the bill will allow those communities to determine the development of the lands within their boundaries,

while requiring fair market value for subsequent conveyances. The BLM does not oppose these transfers, but recommends amending this section to eliminate the leasing option. Such leases are difficult to oversee and manage; by only allowing reconveyance by the cities through sale or R&PP conveyance, we can better protect the integrity of the process.

***Expansion of Police Shooting Range (Section 6)***

The Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282) transferred 176 acres of BLM-managed public land to the Las Vegas Metropolitan Police Department for a shooting range. S. 974 (Section 6) would transfer an additional 80 acres of BLM-managed lands to the Las Vegas Police Department.

The BLM supports this conveyance, which will allow the Police Department to establish long-range shooting and training facilities. We recommend that the legislation specify that the transfer will be subject to valid existing rights.

***Spring Mountain National Recreation Area Withdrawal (Section 7)***

The Department of the Interior defers to the Department of Agriculture on the Spring Mountain National Recreation Area provisions of S. 974 (Section 7), which affect lands administered by the U.S. Forest Service.

***SNPLMA Boundary Modification (Section 8)***

The SNPLMA, as amended, was designed to provide for the responsible disposal of BLM-managed public land within the Las Vegas Valley. Under the Act, funds generated from the sale of these lands are deposited into a special account to be expended consistent with the provisions of the Act. Funds from SNPLMA lands sales have been used for a variety of purposes as stipulated by the Act, including: acquisition of high value environmentally-sensitive lands; establishment of parks, trails, and natural areas; creation of new conservation initiatives; and a number of other projects. To date, nearly 45,000 acres have been conveyed out of Federal ownership under the provisions of SNPLMA, and approximately 39,500 acres remain to be considered for disposal under SNPLMA.

S. 974 (Section 8) proposes to modify the SNPLMA disposal boundary by removing approximately 9,950 acres of public land currently inside the boundary and by adding approximately 6,795 acres of public land currently outside the boundary, resulting in a net reduction of lands within the SNPLMA boundary of approximately 3,158 acres. Total public land acres within the SNPLMA boundary would be 36,890 acres if S. 974 is enacted. The acres proposed for removal are lands that S. 974 would transfer (Section 2) to the National Park Service for inclusion in the Tule Springs Fossil Beds National Monument. The acres proposed for addition to the boundary are primarily on the northeast and northwest sides of the Las Vegas Valley, and the most significant current uses are for the mining of aggregate materials for construction. The BLM supports section 8 of S.974.

***Conveyances to Nevada Colleges & Universities (Section 9)***

The Nevada System of Higher Education (NSHE), a subdivision of the State of Nevada, provides for the education for over 125,000 students throughout the state at eight different colleges and universities. The NSHE is seeking to expand the capacity of three of those schools in southern Nevada in order to improve higher education opportunities.

S. 974 (Section 9) provides for the conveyance of three parcels of public land for three of these colleges and universities in southern Nevada at no cost and for uses consistent with those allowed under the Recreation & Public Purposes Act (R&PP). All costs associated with the transfers would be paid by the NSHE. The three conveyances include approximately 285 acres for the Great Basin College in Pahrump, Nevada, 41 acres for the College of Southern Nevada, and 1,886 acres for the University of Nevada-Las Vegas (UNLV).

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands at nominal costs for recreational and public purposes, including for educational facilities. The BLM generally supports appropriate legislative conveyances at no cost if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyances have a reversionary clause to enforce this requirement.

The BLM supports these conveyances for higher education in S. 974 and would like to work with the Sponsor and the Committee on minor and technical modifications to these provisions. Specifically, we recommend the addition of a clause allowing the Secretary to add reasonable terms and conditions to the transfer. For example, the lands proposed for transfer for the Great Basin College are adjacent to the BLM's Pahrump Fire Station. In the conveyance documents we may want to include building height restrictions in areas closest to the helipad to ensure safe aerial fire activities. The addition of a "terms and conditions" clause would allow the agency to address this and similar situations.

#### ***Ivanpah Airport Conveyance (Section 10)***

The Ivanpah Valley Airport Public Lands Transfer Act (P.L. 106-362) provided for the sale of approximately 5,750 acres of public land to Clark County for the construction of a future airport. The completion of the sale of the land and construction of the airport is contingent on a number of factors, including approval by the Federal Aviation Administration (FAA). S. 974 (Section 10) provides for the conveyance, at no cost, of approximately 2,350 acres to the east of the proposed airport for flood mitigation projects related to the airport. The land would not be conveyed unless and until the FAA approves the airport project.

S. 974 also reserves to the Federal government the mineral estate (potentially valuable sand and gravel) of the 2,350 acres to be conveyed for the airport, except that the County may construct flood control facilities and remove aggregate following flood events under the bill. The BLM supports these provisions. However, provisions providing that the County pay all costs associated with this transfer and a terms and conditions clause (similar to those in Section 9 of S. 974) should be added to this section as well.

#### ***Sunrise Mountain Instant Study Area Release (Section 11)***

The Sunrise Mountain Instant Study Area (ISA) lies to the east of Las Vegas. The 9,700-acre area has been managed by the BLM to protect these lands for possible future wilderness designation as required by law. Over the last decades, and most recently in 2009, the Congress has legislatively released portions of the Sunrise Mountain ISA from those protections, but the BLM does not have the independent authority to release the remaining acres.

The BLM supports the provisions of S. 974 (Section 11) which would release the entire Sunrise Mountain ISA from interim protected status, thereby allowing the consideration of a full range of multiple uses. The Sunrise Mountain ISA does not possess significant wilderness characteristics. Furthermore, it is the assessment of the BLM that this area is appropriate for the expansion of high-voltage transmission lines, including those for renewable energy transmission, as well as a possible interstate natural gas and water pipelines.

***Nellis Dunes Off-Highway Vehicle (OHV) Recreation Area (Section 12)***

The Nellis Dunes OHV area is a popular recreation area with over 100,000 visits annually. S. 974 (Section 12) would promote the further development of this area as a destination OHV site. OHV use is a popular and growing activity in Nevada and across the West. The BLM welcomes opportunities to support this type of recreation in appropriate locations.

Studies conducted by the UNLV at the request of the BLM have indicated that there are high levels of naturally occurring arsenic in the Nellis Dunes area. While the area is presently open to OHV use, the BLM makes visitors aware of these potential health concerns. Currently, the UNLV is conducting a health risk assessment of the area in accordance with the Environmental Protection Agency's human health risk assessment processes and protocols. The BLM expects to receive a completed study by late 2014, and believes that it is premature to make permanent decisions about the Nellis Dunes area prior to receiving the final report. Therefore, the BLM recommends deferring sections 12(a), (b), and (c) until the final report is available.

However, if Congress elects to move forward with these provisions of S. 974, the BLM recommends a number of substantive modifications. The bill (Section 12) allocates uses in Nellis Dunes in three parts. First, it establishes a BLM-managed Nellis Dunes Off-Highway Vehicle Recreation Area on approximately 10,000 acres of public land. Second, it transfers approximately 960 acres of public land to Clark County for a more intensively managed OHV Recreation Park. Third, it establishes an "Economic Support Area" adjacent to the other two areas.

The BLM could support the establishment of the Nellis Dunes OHV Recreation Area if our safety concerns are appropriately addressed. Likewise, we could support the transfer of land to Clark County for an OHV Recreation Park if the transfer and management of those lands is done consistent with the R&PP Act, and if the transfer addressed issues outlined in our discussion of Section 9 regarding similar no cost conveyances. Finally, the BLM does not object to the establishment of an Economic Support Area; however, we strongly urge that these 290 acres be sold to the County at fair market value, rather than setting up a system of revenue sharing between the County and Federal government for private enterprises on these lands. The BLM does not typically participate in commercial activities such as these and we do not believe that it would be appropriate in this case.

The BLM would like to work with the Sponsor and Committee on perfecting these sections of S. 974, provided the human health risk assessment determines that establishing an OHV park in this area is appropriate.

***Expansion of Nellis Air Force Base (Sections 12(d) & 13)***

S. 974 (Sections 12(d) and 13) provides for the expansion of Nellis Air Force Base through withdrawal, reservation, and transfer of administrative jurisdiction of approximately 1,120 acres of BLM-managed public lands. The Administration supports the future use of these lands by the Department of the Air Force for national security purposes. However, these sections permanently transfer administrative jurisdiction over these lands to the Air Force, rather than withdrawing them from the public land and mining laws and reserving them for the military's use for a specific time period, as is more typical and consistent with adjacent military lands. The Administration could support these provisions if they were amended to withdraw and reserve the lands for military use, including terms and conditions of past legislative withdrawals, and if they were subject to valid existing rights. The BLM would also like to work with the Sponsor, the Committee, and the Department of Defense to ensure appropriate access for several mining companies that have long-term contracts for the use of some lands in this area in a manner consistent with the requirements of Nellis Air Force Base.

***Military Overflights (Section 14)***

Section 14 of the bill would address military overflights over new units established by the bill. Providing for such military overflights requires a careful balancing of conservation and national defense requirements and is highly factually specific. The Department of the Interior believes it needs to conduct additional discussions with the Department of Defense with regard to the specific circumstances of flights over the lands covered by this bill before determining whether legislative guidance is needed and, if so, what form that guidance should take.

**Conclusion**

Thank you for the opportunity to present the Department's views on S. 974. We look forward to working with the sponsor and the Committee to resolve the outstanding issues.