

**Statement of  
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**Senate Energy and Natural Resources  
Subcommittee on Public Lands, Forests and Mining  
S. 567, Southern Nevada Economic Development and Conservation Act**

**June 16, 2021**

Thank you for the opportunity to testify on S. 567, the Southern Nevada Economic Development and Conservation Act. The bill designates as wilderness over 1.5 million acres of land managed by the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS); creates over 350,000 acres of new Special Management Areas (SMAs) on BLM-managed lands; and designates approximately 122,000 acres of BLM-managed lands as new Off-Highway Vehicle Recreation Areas. S. 567 also directs over 41,000 acres of land managed by the BLM and Bureau of Reclamation (BOR) to be held in trust for the benefit of the Moapa Band of Paiutes; authorizes public lands conveyances in Clark County; and makes several amendments to the Southern Nevada Public Land Management Act.

The Department of the Interior (Department) supports the goals of the bill as they align with important Administration priorities. President Biden highlighted the importance of conservation in his America the Beautiful Initiative, and the bill's wilderness designations support that effort. We also support the bill's provisions which align with priorities of the Secretary of the Interior (Secretary) to build healthy communities and economies and provide safe and equitable access to outdoor recreation opportunities for all Americans. The Department continues to work to facilitate and improve access to public lands for tribes and underserved communities. We are also working to improve public health, safety, and climate resiliency, while conserving the public lands for future generations. We would welcome the opportunity to work with the sponsor and the Subcommittee on certain modifications to the bill, including creating new legislative maps for the various designations and conveyances authorized in the bill.

**Background**

Clark County, located in southern Nevada, is home to over 2.2 million people. The county is also home to iconic BLM recreation and conservation areas, such as Red Rock Canyon National Conservation Area, Sloan Canyon National Conservation Area, and the Gold Butte National Monument. It boasts significant historic, cultural, and paleontological treasures. The BLM manages approximately 2.6 million acres of public lands within Clark County for a wide range of multiple uses. These include various recreational activities, such as hiking, camping, horseback riding, and off-highway vehicle (OHV) riding, renewable energy projects, rights-of-ways for utilities, and mineral development.

### ***Public Land Sales & Exchanges***

In 1976, with passage of the Federal Land Policy and Management Act (FLPMA), Congress directed the BLM to retain management of most public lands, which reduced the acreage that had been available for disposal in prior years. Under FLPMA, the BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. FLPMA also provides the BLM with a clear multiple-use and sustained yield mandate that the agency implements through its land use planning process.

The sale of certain public lands is authorized under Section 203 of FLPMA, when these sales are in the public interest and consistent with publicly approved land use plans. Land sales conducted under FLPMA occur at the discretion of the Secretary and are made at fair market value in accordance with Federal law. Under current BLM policy, sales are generally conducted under competitive bidding procedures to ensure fair return. In such cases, sales are widely advertised through public notices, media announcements, and on appropriate BLM websites.

The Southern Nevada Public Land Management Act (SNPLMA) was enacted in 1998 and authorized the sale of BLM-managed lands within a congressionally designated boundary in the Las Vegas Valley. Funds generated from the sale of public lands may be used for public purposes such as parks, trails, and natural areas; hazardous fuel reduction, capital improvements, conservation initiatives; and for the purchase of environmentally sensitive lands. The BLM uses the funds generated through SNPLMA to work with local community partners on projects that enhance access to public lands and to protect and maintain resilient landscapes and ecosystems.

### ***Public Purpose Conveyances***

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes (R&PP) Act or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at nominal cost for important public purposes. As a matter of policy, the BLM generally supports these legislative conveyances at nominal cost if the lands are appropriate for disposal, will be used for public purposes consistent with the R&PP Act, and if the conveyances include reversionary clauses to enforce this requirement.

## **S. 567**

### ***Title I – Moapa Valley Tribal Empowerment and Economic Development***

Title I of S. 567 directs over 41,000 acres of Federal land (approximately 650 acres of BOR and 40,400 acres of BLM-managed land) to be held in trust for the benefit of the Moapa Band of Paiutes. This title requires the Secretary to complete all surveys for the transfer within 60 days of enactment. Additionally, the bill, requires the Secretary to hold in trust approximately 200 acres of fee land and directs the Secretary to complete the surveys for the fee land within 180 days of enactment.

Taking land into trust is one of the most important functions the Department undertakes on behalf of Indian tribes. These lands can be essential to their health, safety, cultural heritage, and economic opportunity. This Administration has made strengthening the nation-to-nation

relationship with Tribal Nations a top priority and we support holding these lands in trust for the Moapa Band of Paiutes. We would like to work with the sponsor on boundary modifications to remedy potential land use conflicts. For example, a portion of the lands selected to be held in trust with the tribe are important as desert tortoise migration habitat that was set aside as a mitigation measure to allow for renewable energy development in southern Nevada. The BLM would also like to work with the sponsor to ensure the BLM has adequate time to conduct the boundary surveys.

### ***Title II – Clark County, Nevada***

Sections 201 and 202 of S. 567 amend the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282) to increase the size of the Red Rock Canyon National Conservation Area by approximately 51,000 acres. These sections also allow for the use of fees for the public parks designated under PL 107-282. Section 203 makes a minor boundary adjustment to the Rainbow Gardens Area of Critical Environmental Concern (ACEC), which reduces the area of the ACEC by approximately 390 acres. The BLM supports the inclusion of additional lands into the Red Rock Canyon National Conservation Area and modifying the Rainbow Gardens ACEC. The BLM would also like to work with the sponsor to ensure that the management of the public parks conveyed through the R&PP Act remain consistent with the Act.

Section 204 amends SNPLMA to allow for the movement of sand and gravel resources in the acquired public lands by the private surface owners to recontour or balance the surface estate and dispose of sand and gravel at off-site landfills. This section makes available an additional 31,000 acres of BLM-managed land that will be set aside for disposal under SNPLMA. Also authorized in this section are public purpose conveyances that were originally conveyed under the R&PP Act. These patents or leases would now be eligible for conveyance to the requesting governmental entity by quitclaim deed. These conveyances include a reversionary interest that reverts the land back to the Department if they are no longer used for public purposes.

The BLM understands the sponsor's goal to make public land available for acquisition to facilitate the growth of local communities that are surrounded by Federal lands. The BLM notes that these parcels are home to many protected and important species, such as the desert tortoise and the rare white-margined penstemon, a Mohave Desert perennial herb species that is currently managed for conservation under the Clark County Multiple Species Habitat Conservation Plan (MSHCP). The BLM would like to work with the sponsor on modifications to this section as it relates to the conveyance of R&PP Act patents or leases as we do not believe a quitclaim deed is the appropriate mechanism to accomplish the sponsor's goals. Also, the BLM would like to work with the sponsor on clarifying the bill's provisions concerning the lands intended to be conveyed, as the current language may unintentionally convey U.S. Forest Service lands as well.

Section 205 designates approximately 350,000 acres of BLM-managed lands in nine new SMAs to provide for the conservation and recovery of native species and habitats. Under the bill, the BLM-managed lands are withdrawn, subject to valid existing rights, from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials. The bill also requires the Department to coordinate with the county on the development and implementation of management plans for the SMAs within one year. In addition, the bill revokes the existing Ivanpah ACEC. The BLM has concerns that removing the

Ivanpah ACEC could negatively impact desert tortoise and certain rare plant habitat covered by the Clark County MSHCP. The BLM would like to continue to work with the sponsor on additional mitigation measures to ensure the purposes of these SMAs are met. We would also like to work with the sponsor to clarify language describing the cooperative management agreement with the County.

Section 206 requires the Department to credit the approximately 350,000 acres of BLM-managed lands designated as SMAs in the bill as a mitigation measure under the MSHCP for the increased development on public lands within Clark County, Nevada. Section 207 renames the Frenchman Mountain as the Maude Frazier Mountain. The BLM does not object to these provisions and looks forward to continuing to work with the sponsor on making minor technical changes.

Section 208 amends SNPLMA to allow the funds generated through SNPLMA land sales to be expended on capital improvement projects within the Tule Springs Fossil Bed National Monument and allows for the special account to be expended on sustainability and climate initiatives. The NPS is supportive of this amendment which would benefit Tule Springs Fossil Beds National Monument and would put the park on equal footing with all other Federal public lands within the area that are covered by SNPLMA.

### ***Title III – Wilderness***

Title III designates over 1.5 million acres of new wilderness areas on BLM, FWS and NPS-managed lands. This title would amend the Clark County Conservation of Public Land and Natural Resources Act (P.L. 107-282) by adding approximately 140,000 acres of BLM-managed land to the following wilderness areas: Bridge Canyon Wilderness, Eldorado Wilderness, Ireteba Peaks Wilderness, Muddy Mountain Wilderness, Nellis Wash Wilderness, South McCullough Wilderness, and Spirit Mountain Wilderness. This title would also create five new wilderness areas on over 110,000 acres of BLM-managed lands: Mount Stirling Wilderness, New York Mountains Wilderness, Piute Mountains Wilderness, and Lucy Gray Wilderness. Additionally, Title III creates the Las Vegas Range Wilderness which includes both BLM and FWS-managed lands.

The BLM generally supports these designations and would like to work with the sponsor on boundary modifications to ensure continued access to existing telecommunication sites. We note that the existing map depicting the Mount Sterling Wilderness appears to include Forest Service land, but we understand it is not the intention of the bill sponsor to include the Forest Service lands. If the sponsor intends to not designate Forest Service land, then the map would need to be clarified, and the BLM can assist with creating a new legislative map. Additionally, the BLM would like to work with the sponsor and the Subcommittee to ensure the use of standard wilderness designation language. We also recommend working to clarify the bill's provisions related to technical issues, and to ensure the protection of existing uses.

### **FWS Wilderness Designations**

Title III designates approximately 1.3 million acres of Wilderness within the Desert National Wildlife Refuge (Desert NWR) in Southern Nevada to be added to the National Wilderness Preservation System and managed under the Wilderness Act (16 U.S.C. 1131 et seq.). The areas

delineated by S.567 for Congressional Wilderness designation lay within areas that have been proposed by previous Administrations as suitable for Wilderness designation based on their unspoiled and unique desert wilderness values and the ecosystems which they support, and have been managed for their wilderness values since 1974.

Encompassing six major mountain ranges and seven distinct life zones, Desert NWR showcases the abundance and variety of plants and animals that occur in Southern Nevada, all just a short drive from Las Vegas. Created in 1936 to provide habitat and protection for desert bighorn sheep, the 1.6 million acre Desert NWR is the largest wildlife refuge outside of Alaska. Teeming with diversity over a vast landscape, Desert NWR provides habitat for over 500 plant, 320 bird, 52 mammal, and 35 reptile species as it transitions from the Mojave to the Great Basin Desert. While Desert NWR has been home to people for thousands of years, from Nuwu/Nuwuvi (Southern Paiute/Chemehuevi) to ranch homesteaders, the refuge remains largely unchanged by human hands.

The Department supports the Section 301 Congressional Wilderness designations within Desert NWR and appreciates the opportunity to work with the sponsor and the committee. We would like to continue to work with the sponsor to ensure that minimal and appropriate “guzzler” maintenance to enhance water availability for desert bighorn sheep and other wildlife remains possible in a manner that will be consistent with the Wilderness Act. We also recommend that representatives from Nuwu/Nuwuvi Tribes be consulted in the final determination of the names for the designated wilderness areas within Desert NWR.

### **NPS Wilderness Designations**

Title III designates roughly 92,000 acres of new wilderness on NPS-managed lands in six new wilderness areas: Overton Wilderness, Twin Springs Wilderness, Scanlon Wash Wilderness, Hiller Mountains Wilderness, Hell’s Kitchen Wilderness, and the South Million Hills Wilderness. The NPS generally supports the additions but would like to work with the committee to update the maps of the proposed areas, as some conditions may have changed since a preliminary study for the proposed wilderness was completed in 1979.

### ***Title IV – Local Government Conveyances***

Title IV directs the Secretary to make several small conveyances of BLM-managed lands to cities within Clark County, Nevada, upon request. These conveyances are to be used for important public purposes and include a reversionary clause requiring that the lands be used for their intended public purposes or they will revert to the Department. These conveyances include 250 acres for the City of Mesquite for the protection of the Virgin River Watershed; 16 acres for the Mount Charleston Public Safety complex; 1.5 acres for the Lee Canyon Fire Station; 123 acres for public training facilities; 121 acres for the Moapa Valley Water district; and 10 acres for the North Las Vegas Fire Department Training Facility. The BLM has a history of working collaboratively with local governments to convey public lands for public purposes. We would like to work with the sponsor to clarify the purposes of the conveyances.

### ***Title V – Implementation of Lower Virgin River Watershed Plan***

Title V amends the Mesquite Lands Act of 1988 (P.L. 99-548) to allow for funds generated under this act to be expended by the City of Mesquite for the development and implementation

of a watershed plan for the Lower Virgin River. (The Department does not have an interest in this Title.)

***Title VI – Southern Nevada Limited Transition Area***

Title VI amends the Omnibus Public Land Management Act of 2009 (P.L. 111-11) to direct the Secretary to convey approximately 740 acres of BLM-managed lands to the city of Henderson, Nevada, for public purposes such as affordable housing. The title also directs that the land be made available for sale or conveyance from the city if no longer needed for public purposes. The BLM supports the objective of this conveyance but would like to work with the sponsor to ensure the Federal government receives fair market value for any land that leaves Federal ownership, consistent with FLPMA. We would also like to work with the sponsor to clarify the purposes of the conveyances.

***Title VII – OHV & Misc. Conveyances***

Section 701 creates four new OHV recreation areas on approximately 122,000 acres of BLM-managed lands in Clark County, Nevada. The bill establishes the Laughlin OHV Recreation Area, Logandale Trails OHV Recreation Area, Nelson Hills OHV Recreation Area, and the Sandy Valley OHV Recreation Area to preserve, protect, and enhance off-highway vehicle use, and other activities determined to be appropriate by the Secretary. This bill also requires the Department to develop a comprehensive management plan for the areas within two years. Subject to valid existing rights, section 701 withdraws over 10,000 acres of BLM-managed lands, known as the Nellis Dunes OHV Recreation area, from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials. The BLM supports increasing access to public lands for outdoor recreation but would like to work with the sponsor to resolve land use conflicts such as excluding designated desert tortoise critical habitat from OHV use. The BLM would also like to work with the sponsor to ensure language in the bill regarding motorized vehicle allowances complement the purposes of the OHV area. More specifically, the BLM recommends adding the phrase “roads, trails and areas” to replace “roads and trails” found in (e) Motorized Vehicles (1).

Section 702 directs the Secretary to convey approximately 2,500 acres of BLM-managed lands to a public water agency within Clark County, Nevada, upon request. This conveyance is for the express purpose of providing for the construction and operation of critical water infrastructure for the communities within the county. This section also includes a reversionary clause stating that if the land ceases to be used for these public purposes, it shall revert back to the Department. The BLM would like to work with the sponsor on certain technical corrections regarding the exact acreages.

Section 704 directs the Secretary to amend the 1998 Las Vegas Resource Management Plan to allow for the construction of flood control facilities in the Coyote Springs Desert Tortoise ACEC. The BLM understands the need for improved water management in southern Nevada but would like to ensure that the ACEC continues to provide important habitat for the desert tortoise.

Section 705 amends the 2015 National Defense Authorization Act (P.L. 113-291) to allow for the Nevada System of Higher Education to use lands acquired under R&PP Act designations in the state for public-private partnerships. This also allows for the Nevada System of Higher

Education to issue leases or convey Federal land that was acquired under the R&PP Act for commercial development. The BLM does not support using public lands acquired under the R&PP Act, at little or no cost to local governments, for commercial activities as that would be inconsistent with the R&PP Act.

**Conclusion**

The BLM appreciates the interest of the sponsor and the Subcommittee in these important public land management issues in Southern Nevada, and we look forward to working further with you on them. Thank you again for the opportunity to provide testimony on S. 567.