

H.R. 1744

Testimony of Aaron Baker, City of Mesquite, NV

Before the Subcommittee on Public Lands and Environmental Regulation

On

H.R. 1744 Multispecies Habitat Conservation Plan Implementation Act

February 26, 2014

Chairman Bishop, Ranking Member Grijalva and members of the Subcommittee, thank you for holding this hearing today and allowing me to testify on behalf of H.R. 1744. I sincerely wish to thank Representative Horsford for introducing this bill and his work with the House Natural Resources Committee to hold a hearing on it. Representatives Heck, Amodei and Titus are to be commended as well for cosponsoring this bill. Their collective leadership and attentiveness to constituents' needs is moving this bill forward. Mayor Mark Wier, who testified before this subcommittee in December 2011, really wanted to be here again. He spoke very highly of his experience here with you. Unfortunately, he could not make it today. He sends his best. My name is Aaron Baker. I am the City Liaison Officer and work in the City Manager's office. Part of my job responsibilities is to do this very thing.

In the way of background information, Mesquite is located in southern Nevada along the Arizona border. Mesquite was originally part of unincorporated Clark County. In 1984, the City incorporated. Since that time, Mesquite experienced phenomenal growth. From 1990 to 2010, Mesquite boomed from 2,000 people to 20,000. However, as with all of southern Nevada, when the bubble popped, it really popped. For the past few years, Mesquite has felt the real housing, employment and social impacts of what happened in 2008 and 2009. The population has slightly shrunk, employment opportunities have decreased and social services are feeling the added pressure. That being said, as the southern Nevada economy slowly but surely recovers, the City is also taking on strength. In fact, this bill is very timely since it would put the City in a better position to capitalize on opportunities as the economy continues to come back.

The City of Mesquite has always been landlocked by publicly owned land. Consequently, shortly after incorporation, the City approached the federal government with the hope of acquiring some surrounding federal land. In 1986, Congress passed the Mesquite Lands Act allowing for the purchase of land from the federal government in order to grow the town. In 1996, Congress amended the Mesquite Lands Act of 1986 to allow additional acreage to be acquired and developed. And again in 1999, Congress was gracious enough to approve another amendment to accommodate the explosive growth in the area. These amendments have ensured that Mesquite can continue to grow and prosper in a positive manner. As you can see, the only way for Mesquite to grow is through the acquisition and ultimate development of lands that were once controlled by the federal government.

As part of the 1996 and 1999 land acquisitions, the legislation dictated that a biological opinion be issued

in order to provide a mechanism for federal and non-federal entities to work collaboratively to protect and conserve imperiled species in the Lower Virgin River Basin and to ensure that the Virgin River is not adversely impacted by the extraction of groundwater for new development. In 2002, the US Fish and Wildlife Service (FWS) issued the Mesquite Lands Act Biological Opinion to the BLM.

After the biological opinion was issued, Congress made a technical amendment to the Mesquite Lands Act. The original intent of the legislation was to allow a portion of the land sale proceeds to be used for the *development and implementation* of plans that would bring the City into compliance with the biological opinion. For some reason, during the amendment process, the word *implementation* was inadvertently left out. I say inadvertently because it is inconsistent with other bills approved by Congress which clearly state that funds shall be expended on the *development and implementation* of these multispecies habitat conservation plans. The City is simply asking for the same consideration.

As the City concludes the final stages of developing the plan, implementation is the next key step. As soon as the City enters the implementation phase, the remaining funds from the land sale are really the only feasible way for implementation to occur. In real-world terms, implementation means conservation of critical habitat, protection of endangered species and mitigation of overall impacts. Conversely, no implementation means no conservation, no protection and no mitigation. Additionally, no implementation also means no more development and growth in Mesquite. All of the City's current development is on land that was acquired through the 1996 and 1999 amendments. By saying this, I do not wish to use overly strong language, but rather I desire to convey the real sense of urgency that does exist. The City is getting close to the implementation phase and this act would fund the implementation and do it seamlessly. Simply put—it is a win for all parties.

The second part of this bill addresses language included in the 1999 Amendment. In the amendment, certain areas were set aside for the City to acquire at fair market value for long-term, economic development purposes. These economic development goals include a commercial airport and more commercial and industrial space surrounding the proposed airport. Frankly, this area is really the only direction that the City can grow to meet future demands of its residents and businesses. Originally, the City was given 12 years from the date of the enactment (November 29, 1999). Unfortunately, the City was not able to act within the timeframe. Consequently, I am asking for the City to receive an extension until November 29, 2021 to acquire the land.

Although this legislation may not contain a lot of language, the language it does contain will have real and lasting positive impacts on the community and the region as a whole. On the other hand, if this bill is not passed, the inverse could happen.

Mr. Chairman, Ranking Member Grijalva and members of the Subcommittee, thank you again for allowing me the privilege of testifying before you on behalf of H.R. 1744. I especially want to thank Congressman Horsford for his efforts in our behalf. I sincerely appreciate your interest in this legislation and ask that it be given favorable consideration, as it has in the Senate, as it is reported out of this subcommittee. I will be happy to address any questions that you may have.