

**Testimony of Congressman Joe Heck (NV-3) before the House  
Committee on Natural Resources Subcommittee on National Parks,  
Forests, and Public Lands**

**On**

**H.R. 2745, Amending the Mesquite Lands Act of 1986**

**December 2, 2011**

Chairman Bishop and Ranking Member Grijalva, thank you for inviting me to testify before the Subcommittee on H.R. 2745, legislation that I introduced on August 4<sup>th</sup> of this year that amends the Mesquite Lands Act of 1986.

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The original Mesquite Lands Act was passed in 1986 and provided the City of Mesquite the exclusive right to purchase, at fair market value, certain federal land under the control of the Bureau of Land Management (BLM). As the City is landlocked by public lands and was the fastest growing city in the country for much of the 1990's, this legislation was amended in 1996 to allow the City to purchase additional federal lands to ensure Mesquite could continue to grow and prosper in a positive manner. In 1999, Congress passed the latest Mesquite Lands Act amendment with the specific purpose of providing land to construct a commercial airport and to provide more room for commercial and industrial development to again meet future demands for its citizens and a rapidly growing tourism industry.

In 2002, the US Fish and Wildlife Service issued a Mesquite Lands Act Biological Opinion to the BLM which promulgated certain terms and conditions

associated with the land sale. A key term contained in the Biological Opinion is a mandate that the City participate in the development and implementation of a Habitat Conservation and Recovery Plan (VRHCRP) and a Hydrologic Monitoring and Mitigation Plan (HMMP) along the Virgin River.

In response to the Mesquite Lands Act Biological Opinion, Congress made a technical amendment to the Act within The Clark County Conservation of Public Land and Natural Resources Act of 2002 that set aside a portion of the proceeds from the sale of each parcel for the “development” of the Recovery Plan and the Hydrologic Monitoring and Mitigation Plan. It is apparent that, during this process, language allowing for the “implementation” of these plans was inadvertently omitted from this amendment. Other land acts, such as Southern Nevada Public Lands Management Act and the Lincoln and White Pine County Lands Acts, clearly state that funds shall be expended on development and implementation of multi-species habitat conservation plans that are associated with new development in their respective areas. I believe that the same process should be applied to the Mesquite Lands Act.

The Habitat Conservation and Recovery Plan was established 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. The Hydrologic Monitoring and Mitigation Plan provides for monitoring to assure the Virgin River is not adversely affected by the extraction of groundwater for new development. Additionally, an important function of the Conservation and Recovery Plan will be to provide a forum to coordinate ongoing aquatic and riparian species conservation

and recovery efforts within the basin. In concert with habitat plan development, the U.S. Fish and Wildlife Service has notably allowed development to continue in Mesquite, with the understanding that the plan would be implemented upon adoption. The unique process merges a habitat conservation planning process with a recovery plan.

The City of Mesquite has instituted an interim fee for each acre of land disturbed by development, estimated to generate up to \$10 million over the life of the Habitat Conservation and Recovery Plan. Another \$9 million has been committed to the program from the Southern Nevada Water Authority and The Virgin Valley Water District is contemplating a mitigation fee for each new service hookup that will generate up to \$19,000,000. However, costs for the mitigation and recovery efforts could reach \$63 million, making the “implementation” language clarification of utmost importance. It is estimated that this would provide an additional \$4.8 million to this effort, which is the balance of the special fund being held by the U. S. Department of Interior.

H.R. 2745 is a legislative clarification regarding the special funds allowing for the **development and implementation** of the Habitat Conservation and Recovery Plan and the Hydrologic Monitoring and Mitigation Plan. This is consistent with other Habitat Conservation Plans in Nevada and the same process should be applied to the City of Mesquite.

In addition to the clarification for the Habitat Conservation and Recovery Plan, there is an issue regarding the timing of the land sales identified in the 1999

amendment to the Mesquite Lands Act that is also addressed in H. R. 2745. The legislation gives the City the exclusive right to purchase, at fair market value, the land identified in the Mesquite Lands Act from the Bureau of Land Management for a period of 12 years from the date of enactment of the Land Act. Due to the severe economic conditions that continue to plague Southern Nevada and a delay of the Environmental Impact Statement for the Airport site, the City is not in a position to purchase the final sections of property at this time and, therefore, was not be able to make this deadline. The City of Mesquite remains committed to ensure that it continues to grow in a positive manner, and needs an extension of time to allow economic conditions to improve.

In closing, I would like to again thank Chairman Bishop and Ranking Member Grijalva, as well as the other members of the Subcommittee, for holding a hearing on H.R. 2745. As the tourism industry continues to grow and prosper, a greater capacity for air carrier service will be required to meet the needs of the region. In addition, the City of Mesquite is land locked by public land, much of which has been identified as Areas of Critical Environmental Concern by the Bureau of Land Management and the Fish and Wildlife Service. This legislation will allow the City to continue to control the path of its future expansion and develop new commercial air service, as well as correct a previous oversight to allow for both the development and implementation of the Habitat Conservation and Recovery Plan and the Hydrologic Monitoring and Mitigation Plan, making it consistent with other Habitat Conservation Plans in Nevada. I look forward to answering any questions the Subcommittee might have.