



Testimony of Commissioner Marilyn Kirkpatrick

Before the House Committee on Natural Resources

“Field Hearing on Improving Federal Land Management and Use to Better Serve Las Vegas Valley Communities”

July 26, 2016

Chairman Bishop, Ranking Member Grijalva and Members of the Committee, thank you for inviting me to speak with you today about ways to improve federal land management and use of our federal lands to better serve our local community. My name is Marilyn Kirkpatrick and I serve as a County Commissioner for District B in Clark County. My district, like much of Clark County, is a diverse mix of urban, semi-rural and rural communities with a population of over 2 million people and more than 40 million visitors a year.

Of the 5 million acres in Clark County, 4.7 million acres, or a full 90%, are in federal management. Of the 4.7 million acres in federal management, the Bureau of Land Management (BLM) manages 2.9 million acres in Clark County. Meeting the economic, recreational and conservation needs of this community and its visitors is essential to the well-being and sustainability of Southern Nevada and it is entirely dependent on the cooperation of federal land management agencies like the BLM. The County has found it necessary to come to Congress with some frequency to enact various “lands bills” to insure that local priorities are reflected and the community continues to grow. These lands bills have always achieved a balance between conservation and development.

As a County Commissioner whose district is dominated by federally-managed lands, I have personally experienced the importance of BLM's obligations to cooperate with local and state government to accommodate and effectuate the needs and locally-adopted land use plans and policies. I'd like to share some specific ways in which federal land management can better serve our local community.

First, the BLM is currently updating its Resource Management Plan (RMP) for the Las Vegas Field Office. The last time the RMP was updated was in 1998. As the Committee can appreciate, much has changed since then and with such a long planning window between amendments, local government feels a significant sense of urgency to make sure the RMP accommodates current and future land use needs for decades to come. Unfortunately, despite our best attempts there is still much in the BLM's proposed RMP that conflicts with local government's consistently stated needs as Cooperating Agencies. The amended RMP proposes to administratively establish 17 new Areas of Critical Environmental Concern (ACECs) and 16 units of Lands with Wilderness Characteristics. Clark County and local governments generally support the protection of important conservation areas. However, we believe setting aside additional land for conservation should be balanced in the RMP with future economic development needs and additional BLM land disposal. Of particular concern to me is the drastic reduction of the Moapa/Glendale disposal boundary in my district and the failure of the BLM to identify land suitable for non-residential, commercial and industrial uses along the I-15 corridor connecting Primm, Nevada to Apex, Nevada. Economic development opportunities along the I-15 corridor are a key component of Southern Nevada's efforts to diversify our economy and our future success. The RMP does not adequately recognize the need for land to be identified for future economic development.

Just last year, a federally-funded regional planning effort known as Southern Nevada Strong was completed. The effort relied on local land use plans, employment mix forecasts, data on available and buildable vacant land compared to lands remaining in the current disposal boundary. Over a 30-year

planning horizon, the analysis finds that there are not enough undeveloped, industrially-designated lands within the disposal boundary to accommodate forecasted industrial jobs. Therefore, lands outside the current disposal boundary must be identified to accommodate these employment uses. It is imperative that the BLM work with local units of government to ensure additional lands are identified for disposal before the BLM finalizes the RMP and Record of Decision.

Closely related to the issue of land disposal is the unique position Clark County finds itself in when trying to comply with the federal Endangered Species Act. The County and BLM are inextricably linked in Southern Nevada as it pertains to land disposal, development and compliance with the Endangered Species Act (“ESA”). Clark County administers a Section 10(a)(1)(B) incidental take permit for regional compliance with the ESA, which allows for the orderly development of private land and the mitigation of lands disposed of by BLM and developed by private residents in Clark County. Under both the 1998 RMP and the current draft amended RMP, disposal boundaries identified are in excess of what is currently permitted by the U.S. Fish and Wildlife Service. Therefore, the County has determined that the MSHCP must be amended in order to address this federal permitting issue and to facilitate continued orderly development within the County. Although Clark County strongly advocated the inclusion of designations, management actions and conservation measures proposed in the amended permit in the alternatives for the BLM’s amended RMP, BLM failed to include everything necessary to fully meet our permitting needs. We are now left wondering how we can comply with the ESA absent the BLM’s full cooperation. Before the final RMP is amended and the Record of Decision is signed, it is critical that BLM include all of the reserve system components Clark County has requested in order to comply with the ESA for development of private and BLM disposal lands. Finally, recent versions of County public lands bills, including the Tule Springs National Monument bill that passed in 2014, addressed the multi-species permit imbalance by providing that for every acre of land placed into the Monument or some other conservation status, Clark County received a one for one acre increase under

the permit for new developable land. By giving us ESA permit credit for future development in exchange for every acre of land conserved, we were able to achieve a balance between conservation and development that is not found in the RMP process.

Another example I'd like to share with you is Clark County's need for a future supplemental airport in the Ivanpah Valley and proposed constraints in the BLM's amended RMP that jeopardize the construction, operation and economic feasibility of the future airport. In 2000, Congress passed the Ivanpah Valley Airport Public Lands Transfer Act, which directed BLM to sell 6,000 acres of land in the Ivanpah Valley to Clark County for the purpose of an airport. Congress recognized the importance of the proposed airport to Clark County's future and the very limited options for locating a supplemental airport in southern Nevada. Only the Ivanpah Valley satisfies the requirements necessary for a new airport: proximity to Las Vegas, favorable topography, and orientation; safe distance from the heavily-constrained airspace in the region and proximity to existing highway and railroad infrastructure; and minimal environmental problems with the site. As such Congress further advanced airport plans in the Clark County Conservation of Public Land and Natural Resources Act of 2002, which designated a 155,000 acre Interstate Route 15 corridor, established a critical transportation and utility corridor between Las Vegas and Ivanpah and transferred lands surrounding the proposed airport to Clark County. Unfortunately, since Congress made its intent clear, the BLM has since superimposed various land use restrictions that substantially threaten the construction, operation and economic feasibility of the Ivanpah Airport. The BLM has designated a more than 32,000 acre ACEC for desert tortoise connectivity and has proposed an additional ACEC in its amended RMP for a plant that is not even listed on the federal endangered species list. In some cases these administratively imposed land use designations overlap with areas where key airport infrastructure has been proposed for more than a decade. The added cost of environmental analysis and mitigation associated with these designations threatens the viability and unnecessarily escalates the costs associated with constructing the future airport.

The issue of BLM superimposing conservation designations lands where local government has future infrastructure plans is an issue that needs critical attention by senior leadership within the BLM. In my District, local water agencies have existing ROWs on lands that BLM is proposing become ACECs. Local agencies must be assured by BLM that their ROWs, leases and access to the infrastructure will not be cut off or unnecessarily burdened by such designations.

These are just a few of the ideas and suggestions we have for how to better manage and use federal lands to benefit our local community. I thank you again for the opportunity to speak with you today and I can answer any questions you may have.