

Committee on Resources

Subcommittee on National Parks & Public Lands

Statement

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on
H.R.2752 Lincoln County Land Act
BEFORE THE HOUSE RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
JULY 13, 2000

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to testify on H.R.2752, the Lincoln County Land Act. H.R.2752 gives Lincoln County, Nevada, the exclusive right to purchase 4,817 acres of public land in the County during a ten-year period from the Bureau of Land Management (BLM). The bill is similar to S. 1331, which we provided testimony on at a Senate hearing on June 7, 2000. While the Administration supports the intent of these bills, we oppose legislative public land conveyances and believe the objectives can be accomplished within existing administrative authorities. We would, however, like to make a few comments on changes to H.R.2752 that would improve the administration of the bill if enacted.

Lincoln County, Nevada was among the last portions of that State to become settled. It is lightly populated today. The county encompasses 6.8 million acres, making it nearly the size of the entire State of Maryland. However, nearly 90 percent of the land in that county has remained in Federal ownership. The pattern of private ownership has made management of some of these extensive Federal lands difficult and uneconomical.

Through the land use planning process required under the Federal Land Policy and Management Act (FLPMA) (P.L. 94-579), the Bureau identifies lands as potentially available for disposal. However, the sale authority granted the BLM pursuant to FLPMA has not been widely used for a number of reasons, including staffing and disposition of sales receipts. The BLM has made progress toward improving management efficiency by consolidating land ownership through exchanges, purchases, and negotiating agreements with other land management agencies.

The BLM is rapidly gaining invaluable experience in the disposal of public lands. The Southern Nevada Public Land Management Act of 1998 (P.L. 105-263) (SNPLMA), has helped to refine and improve our land sales process. The SNPLMA provided for the sale of public land, but was limited to lands in the Las Vegas valley.

The 1983 BLM Caliente Management Framework Plan (Plan) does not recommend this land disposal. However, BLM recently reviewed this existing Plan and after considerable public comment, developed a proposed Plan amendment. This Plan amendment followed BLM Planning and NEPA procedures. This proposed Plan amendment would allow for the disposal of 14,213.95 acres of land in Lincoln County, including the land identified in the Bill. The Plan amendment will not be completed until the Fall of 2000. Similar to this Act, S. 1892 and H.R. 3288 (The Valles Caldera Preservation Act), is currently working its way through Congress and Title II of these bills would allow for the same actions nationally as proposed in this Bill for Lincoln County, Nevada. The Administration sees little need for H.R.2752 should S. 1892 and its companion bill H.R.3288 be enacted.

Other recommendations for specific amendments to H.R.2752 include:

Within SEC. 2. SALE OF PUBLIC LAND (a) RIGHT TO PURCHASE:

The BLM would prefer disposal of the identified parcels of public land described in subsection (b), after consultation with Lincoln County, through a competitive public sale process. This would allow sale at fair market value and parallel the approach taken in the SNPLMA.

Within SEC. 2 (b) LAND DESCRIPTION:

The BLM proposed land use plan amendment identifies this Bill's 4,817 acre parcel for disposal. This Bill however would leave approximately 1,385 acres of isolated, unmanageable BLM administered public lands along the Nevada-Utah state line. We believe a logical development unit should include disposal of all lands within an identified disposal area. We therefore recommend that H.R.2752 be amended to allow BLM to dispose of the entire 14, 214 acres identified in the proposed land use plan amendment. In addition, the area contains unsurveyed lands, so land acreage figures are estimates. Actual acreage will be determined upon completion of a cadastral survey.

Within SEC. 2 (f) WITHDRAWAL:

We are concerned that the 10-year withdrawal period is too long to administer the land sale and the "Special Account," causing possible administrative difficulties and expenses. In addition, over this period of time conditions may change. In view of this uncertainty, this section should be amended to state that if oil, gas or geothermal resources are identified, the Secretary of the Interior will have an assessment conducted to determine if the lands should continue to be withdrawn under existing mineral leasing laws.

Within SEC. 3. DISPOSITION OF PROCEEDS (a) LAND SALES:

Under H.R.2752, five percent of the sale proceeds will be paid to the State of Nevada, 10 percent will be returned to Lincoln County, and the remainder will be deposited in a special account in the U.S. Treasury. This again is similar to the SNPLMA. The possibility exists that the administrative costs of sales could exceed the gross sale value. If that were to happen, BLM's ability to meet the disposal needs in Lincoln County could be diminished. Under this scenario, it is unclear how the requirements for payments to the state and the county would be accomplished.

Within SEC. 3 (b) AVAILABILITY OF SPECIAL ACCOUNT:

It is recommended that Section 3(b) be amended to read: ". . . reimbursement of costs incurred by the Bureau of Land Management in preparing sales under this Act, or other land sales or exchanges authorized under existing public land laws . . ." The meaning or intent of "other authorized" would be clarified in this section with this wording. In addition, it is suggested that costs include appraisals, environmental and cultural clearances and public notices as stated in S. 1331. Also, based on our experience with the SNPLMA, we suggest the inclusion of this statement: "The reimbursement of costs incurred by BLM in implementation of this Act shall include not only the direct costs for sales or exchanges but also other BLM administrative costs. Other administrative costs include those expenditures for establishing and administering the Federal Lands Disposal Account under the Act, developing implementation procedures, and consultation with legal counsel." Such clarifying language, applicable to the SNPLMA, was contained in Report language accompanying the FY 2000 Interior and Related Agencies Appropriations bill.

Section 3(b) also limits the use of funds in the Special Account to "the purchase of conservation easements in Douglas County, Nevada." This language is different than S. 1331 and we would recommend that the language be amended to read: "... the cost of acquisition of environmentally sensitive lands or interests in lands in Nevada, with priority given to lands outside of Clark County." This language would provide greater flexibility, while at the same time meet the objectives of the bill in protecting the resources of lands in other parts of Nevada. If the intent of the bill is to still focus on Douglas County, then it is recommended that the language be amended to read: "... the purchase of environmentally sensitive lands or interests in lands, including conservation easements in Douglas County, Nevada."

Finally, Section 3(b)(2) needs to be revised to appropriately refer to paragraph (1)(C) of the bill, instead of "paragraph (1)(A)."

We appreciate the intent of this proposed legislation. We look forward to working with the Committee on improving H.R.2752.

That concludes my testimony. I would be happy to respond to any questions.

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