

# Committee on Natural Resources

Rob Bishop, Chairman  
Hearing Memorandum

July 21, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff -- Spencer Kimball (x6-7736)  
Subcommittee on Federal Lands

Hearing: Oversight field hearing titled "*Improving Federal Land Management and Use to Better Serve Las Vegas Valley Communities*"

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The Committee on Natural Resources will hold an oversight field hearing on "*Improving Federal Land Management and Use to Better Serve Las Vegas Valley Communities*" on **Tuesday, July 26, 2016 at 9:00 a.m. (PST) in the Council Chambers at North Las Vegas City Hall, located at 2250 North Las Vegas Blvd., North Las Vegas, Nevada.** The hearing will focus on management of federal lands in and around the City of Las Vegas and how to better manage and utilize those lands to meet local citizens' and communities' needs.

## **Policy Overview**

### *Using Federal Lands for Community Betterment Facilities*

- The federal government owns and manages roughly **85%** of all land in the State of Nevada.<sup>1</sup> Thousands of acres of federal land surround the City of Las Vegas, much of which is managed by the Bureau of Land Management (BLM). Most of these lands do not contain unique or extraordinary natural resource characteristics.
- The outskirts of the city are owned in a state/private/federal checkerboard pattern, which leads to management challenges for federal agencies. In addition, the ability of local entities to develop infrastructure, community facilities, natural resources, and economic activities on federal land can be onerous, time-consuming, or precluded altogether. Many in Las Vegas feel that through a more collaborative process between the BLM and community leaders, non-profit organizations, private entities, and citizens, the thousands of acres of federal lands in and around the city could be put to far better use.
- Clark County, which leases some federal land in and around the City of Las Vegas, faces restricted lease rights, limiting the County's ability to utilize those lands for a wide variety of purposes. Delays associated with permitting and environmental analysis exacerbates these restrictions, leaving many parcels within and just outside the city completely unutilized, despite the continued expansion of the City. In addition, many of these leases recently expired or will expire in the near future, which causes uncertainty about the future use of those federal lands.

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<sup>1</sup> [Federal Real Property Profile 2004](#) (excludes trust properties), U.S. General Services Administration.

- The Southern Nevada Public Land Management Act (SNPLMA), which allows the Department of the Interior to dispose of certain lands around Las Vegas and divide the revenues for a number of beneficial uses, is considered to be a success. However, many believe more could be done. Thousands of acres which cannot be disposed of through SNPLMA are appropriate for lease or conveyance to the County and others for community betterment facilities like homeless shelters and schools, critical utility and water infrastructure, and other municipal needs.
- In addition, BLM is currently revising the Las Vegas Field Office Resource Management Plan (RMP), last amended in 1998, which guides the management of thousands of acres of federal lands surrounding the city. This amendment will address energy development, land tenure adjustments, and recreation and off-highway vehicle designations. The revised RMP will also guide BLM's decisions regarding the use and management of land around Las Vegas, including those parcels that have been leased to the County and other municipal entities. BLM released a draft RMP amendment in 2014.

#### *Infrastructure and Public Facilities on Federal Lands*

- The Clark County Regional Flood Control District (CCRFCD) currently leases federal land and has built flood detention basins and other control structures on those lands. The CCRFCD faces difficulties working with BLM on certain issues and is interested in the potential conveyance of federal lands with flood control infrastructure and other public facilities, including parks, schools, and police stations to Clark County. Such a conveyance would allow for easier management of these facilities.

#### *BLM Enforcement of Mineral Trespass on Split Estate Lands*

- The Southern Nevada BLM Field Office aggressively pursues enforcement actions on private sector homebuilders resulting from unauthorized removals of mineral materials on split-estate lands with private surface and federal minerals. BLM cited homebuilders for grading and the construction of drainage systems on these lands, using its authority to enforce mineral trespass on any entity involved in the removal, processing, or construction use of sand, gravel, and other common minerals from lands subject to mineral reservation.
- While BLM has clear authority to cite developers that fail to obtain a permit for mineral use, these enforcement actions significantly drive up the cost of building residences on split estate parcels, put pressure on the homebuilding industry, increase the cost of housing, and put prospective residents out of the new home market.

**Witnesses** (listed in alphabetical order)

*Mr. David Jennings*  
Board Member  
Southern Nevada Home Builders Association  
Las Vegas, Nevada

*Ms. Marilyn Kirkpatrick*  
Commissioner - District B  
Clark County, Nevada Commission  
Las Vegas, Nevada

*Mr. Steve Parrish, P.E.*  
General Manager/Chief Engineer  
Clark County Regional Flood Control District  
Las Vegas, Nevada

*Mr. John F. Ruhs*  
State Director, Nevada State Office  
Bureau of Land Management  
Carson City, Nevada

*Mr. Alan Schlottmann*  
Professor of Economics, University of Nevada Las Vegas  
Executive Director, Theodore Roosevelt Institute  
Las Vegas, Nevada

*Ms. Lucy Stewart*  
Board Member  
Opportunity Village  
Las Vegas, Nevada

**Background Information**

*Southern Nevada Public Land Management Act*

SNPLMA, which was signed into law in 1998, allows BLM to sell public land around Las Vegas and divide the revenues for a number of beneficial uses. The revenue derived from land sales is split between the State of Nevada General Education Fund (5%), the Southern Nevada Water Authority (10%), and a special account available to the Secretary of the Interior for parks and trails, capital improvements, conservation efforts, land acquisition, hazardous fuel reduction and wildfire prevention, and restoration projects in Nevada and California.<sup>2</sup> SNPLMA also provides for the sale of land for affordable housing.<sup>3</sup>

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<sup>2</sup> [Southern Nevada Public Land Management Act \(SNPLMA\) Information Page](#). Bureau of Land Management. Updated March 2016.

<sup>3</sup> *Id.*

The law is generally viewed as a success, as the disposal of high-value federal lands generated billions of dollars for a wide range of uses, benefitting the State, schoolchildren, local communities, wildlife habitat, and recreationists. Since its passage, the law has resulted in the sale of 18,659 acres in and around the Las Vegas metropolitan area, generating \$3.5 billion<sup>4</sup> for the purposes identified above.<sup>5</sup> In addition, the federal government conveyed 5,208 acres of land to Clark County and disposed of another 5,117 acres through exchange.<sup>6</sup>

#### *Other BLM Federal Land Disposal and Leasing Authority*

Beyond its authority to dispose of land under SNPLMA, BLM can dispose of land in other areas of Nevada through the Lincoln County Land Act of 2000, and Lincoln County Conservation, Recreation, Development Act of 2004, and White Pine County Conservation, Recreation, and Development Act of 2006.

BLM's central authority to sell federal land stems from the Federal Land Management and Policy Act (FLPMA), which states that federal land, except land in units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National System of Trails, may be sold in accordance with the applicable federal land use plan, subject to other criteria, and restrictions determined by the Secretary of the Interior.<sup>7</sup> Despite that general authority in FLPMA, BLM does not routinely dispose of land in areas outside of applicable land in the Nevada-specific statutes referenced above, due to lack of consumer interest, long processing timelines, and other reasons.

BLM can also dispose of lands through the Federal Land Transaction Facilitation Act, which expired in 2010, and the Recreation and Public Purposes Act (RPPA), which allows BLM to sell and lease federal lands to States and local governments, nonprofit corporations or associations for recreational or public purposes.<sup>8</sup>

The RPPA allows BLM to sell or lease any federal lands, except lands within national forests, national parks and monuments, national wildlife refuges, Indian lands, and acquired lands. Typical uses under the RPPA include "historic monument sites, campgrounds, schools, fire houses, law enforcement facilities, municipal facilities, landfills, hospitals, parks, and fairgrounds."<sup>9</sup> The amount of land an individual entity can purchase annually under the RPPA is limited; nonprofit organizations may "purchase up to 640 acres a year for recreation purposes, and an additional 640 acres for other public purposes."<sup>10</sup> The RPPA sets no limitation on the amount of land that may be leased.<sup>11</sup>

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<sup>4</sup> [Proceeds from Las Vegas Land Sales Continue to Benefit Local Communities](#). Bureau of Land Management Press Release. January 8, 2016.

<sup>5</sup> SNPLMA Program Statistics. Bureau of Land Management. Updated September 2015.

<sup>6</sup> *Id.*

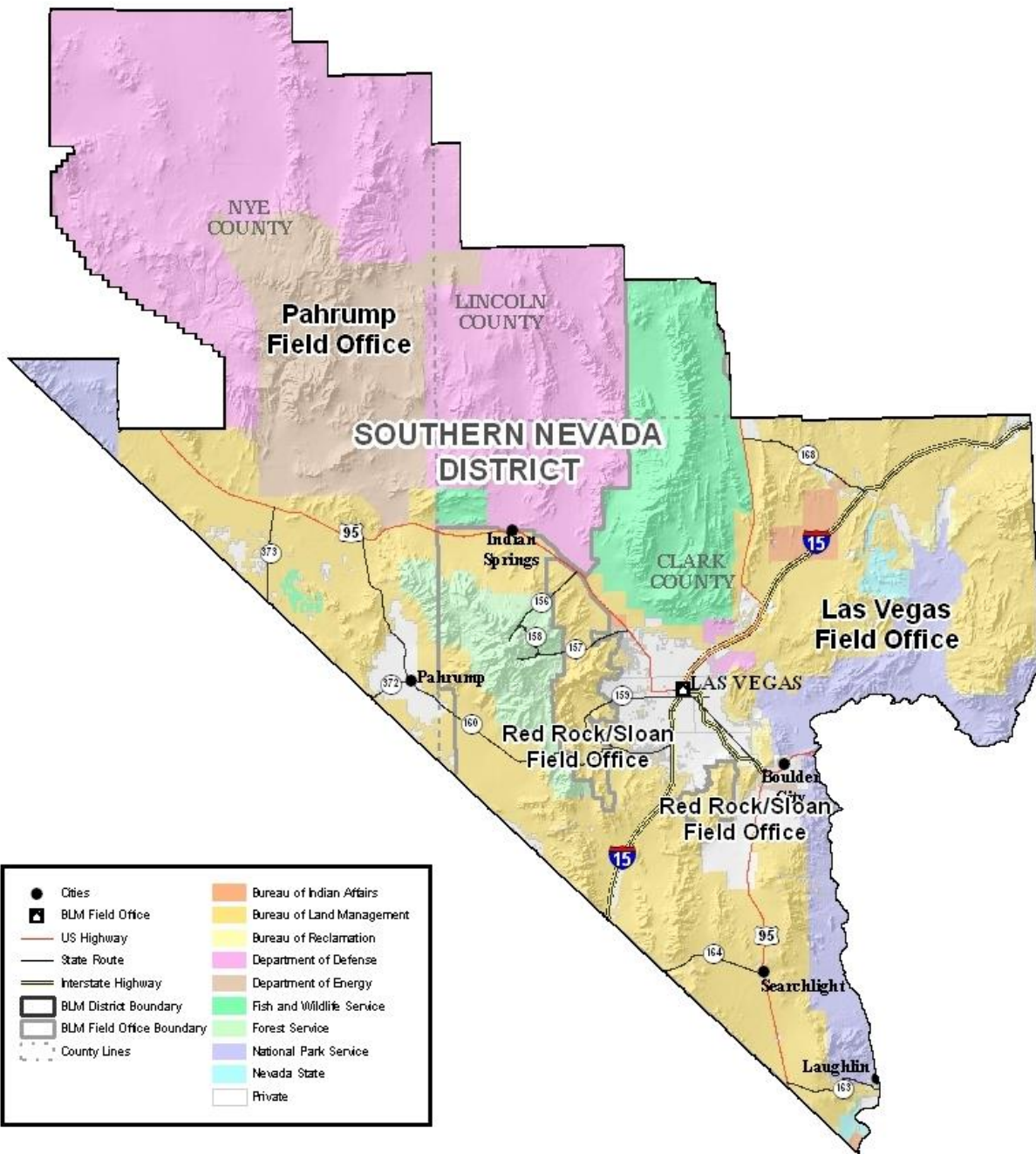
<sup>7</sup> *P.L. 94-579. Sec. 203.*

<sup>8</sup> *43 U.S.C. §869.*

<sup>9</sup> [Recreation and Public Purposes Act Information Page](#). Bureau of Land Management. Updated February 2014.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*



Source: Bureau of Land Management.