

# Committee on Resources

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## **Mr. Brian O' Donnell**

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On behalf of the Nevada Wilderness Coalition**

### Testimony

Before the Subcommittee on National Parks, Recreation and Public Lands  
United States House of Representatives

Hearing on H.R. 4593

Lincoln County Conservation, Recreation, and Development Act of 2004

July 20, 2004

Chairman Radanovich, Members of the Committee and staff, thank you for the opportunity to testify today. My name is Brian O'Donnell. I am the Associate Director of The Wilderness Society's Wilderness Support Center. I am here today representing the Nevada Wilderness Coalition.

The Nevada Wilderness Coalition is made up of the Nevada Wilderness Project, Friends of Nevada Wilderness, The Wilderness Society, Toiyabe Chapter of the Sierra Club, Red Rock Audubon Society, Campaign for America's Wilderness and Nevada Outdoor Recreation Association. Collectively our organizations represent more than 7,000 Nevadans including members in Lincoln County and nearly one million citizens across the country. The Sierra Club will be providing additional testimony.

On behalf of the Coalition, I would like to thank Representative Gibbons and his staff for the hard work that has gone into this legislation. Their process has been fair, and they have worked hard to listen to the concerns and recommendations from all interested parties. I would also like to thank the staff of this Subcommittee for visiting Lincoln County and touring some of the areas that would be designated as Wilderness under this legislation.

As you know, H.R. 4593 is a complex, omnibus public lands bill dealing with diverse issues in Lincoln County, Nevada. Many conservation organizations have strongly held concerns regarding various titles of the bill. It is my hope that Members of the Subcommittee will carefully review testimony submitted for the record by these organizations regarding the potentially significant environmental impacts of the non-Wilderness titles of the bill.

While I will briefly address each title of the bill, my expertise is in the Wilderness title of the legislation; therefore I will focus the majority of my testimony on that title.

### TITLE I – LAND SALES

H.R. 4593 directs the auctions of two parcels (totaling approximately 13,341 acres). The two parcels, of roughly 6,355 acres and 6,986 acres would be auctioned within 75 days of the bill's enactment. As you may know, the sale of these lands, authorized by the Lincoln County Land Act of 2000, has been postponed pending the completion of an Environmental Impact Statement (EIS). We do not support Congressional action that trumps a Federal District Court's decision requiring the need for more environmental review of these lands. Additionally, we feel that if this land is going to be sold, allowing the land to be auctioned in smaller parcels would maximize the value to the taxpayer.

H.R. 4593 authorizes the sale of up to 87,005 acres of federal land in areas adjacent to existing private property in Lincoln County. We understand that communities surrounded by public lands have limited ability to grow. The Nevada Wilderness Coalition does not oppose increased privatization of land in Lincoln County. However, the amount of public land slated for disposal under this bill is excessive. Much of the land identified for disposal appears to be for increased agricultural use rather than community expansion. With the water crisis facing Nevada and much of the West, facilitating the development of significantly more agricultural land in this arid region seems irresponsible.

We are also concerned with the Crestline parcel identified for sale. Lincoln County's landfill sits on private land located in the center of this public parcel. It is being openly discussed that the purpose for the sale of surrounding public lands is to facilitate a huge West-wide regional dump, bringing garbage in from California, Utah, and Arizona. We strongly recommend that the Crestline parcel be removed from the bill.

The Secretary of Interior is authorized to withhold up to 10,000 acres identified for sale in this bill if such sale would be inconsistent with the protection of habitat and cultural resources. We support inclusion of this provision, however it should be enlarged to prevent the auction of any land that is inconsistent with the protection of habitat or cultural resources and not be capped at 10,000 acres.

The disposition of proceeds from these annual auctions would differ dramatically from the compromise crafted during the Southern Nevada Public Lands Management Act (SNPLMA). Most problematic is the 45% of the proceeds to Lincoln County slated for economic development. We strongly prefer an allocation that would provide more resources for Wilderness management, development and implementation of a Lincoln County Multi-Species Habitat Conservation Plan, and habitat protection.

The Nevada Wilderness Coalition has concerns about these lands potentially being sold at a deficit to the American taxpayer. The sale price of these lands should far exceed the administrative costs of preparing the lands for sale. If the sale price of these lands does not outweigh the administrative costs of preparing them for sale, the sale should not go forward.

## TITLE II – WILDERNESS

### Lincoln County's Wild Landscape

In order to present the Subcommittee with a better understanding of Nevada's wild landscape and the Wilderness potential that it contains, I would like to begin by providing some background information. The incredible public lands in Lincoln County stretch from the Mojave Desert to the sagebrush sea of the Great Basin. Barrel Cacti and Joshua trees can be found in southern Lincoln County, while the northern stretches of the County contain aspen forests and ancient bristlecone pine. These diverse mountains and valleys support more than 1,000 species of plants and animals, including desert tortoise, cougar, bighorn sheep, elk, mule deer, antelope, sage grouse, kit fox, bats, rare fish and a variety of songbirds and raptors.

Numerous rock art sites and ancient artifacts can be found scattered throughout the mountains of the County. While Nevada contains large amounts of wilderness-quality land, the Wilderness areas proposed in this bill contain wilderness values that are unique to Nevada and the West. These values are not currently represented in the National Wilderness Preservation System.

### Threats to Lincoln County's Wilderness Quality Land

Although Lincoln County is very rural at this time, it is easy to overlook the current and potential threats to its wild character.

In the coming years, a major land development project known as Coyote Springs is slated to construct up to 185,000 residential homes and as many as ten golf courses. Coyote Springs, which straddles the Lincoln and Clark county boundary, is located in the heart of some of the wildest country in the region. The influx of tens of thousands of people combined with the requisite associated infrastructure will dramatically increase pressures to the region. In the absence of Wilderness protection for lands in proximity to Coyote Springs, neither the Bureau of Land Management nor the U.S. Fish and Wildlife Service has the resources to meet the anticipated challenges and environmental degradation that explosive population growth will inevitably bring about in this area.

Another very large and growing threat to the natural environment of Lincoln County is the irresponsible use of dirt bikes, ATV's, and other off-road vehicles. While many dirt bike and off-road vehicle users make an effort to stay on existing trails, there are hundreds of instances where users have destroyed, damaged and fragmented habitat and cultural sites with irresponsible use. Attempts at public education have helped somewhat, however, the ultimate solution lies in legislated Wilderness with visible and enforceable boundaries, thereby protecting wild areas from this increasing threat.

### Nevada Wilderness Coalition's Involvement in Lincoln County

For many years, the Nevada Wilderness Coalition has been involved with wilderness discussions regarding Eastern Nevada. Members of our coalition participated in the original Bureau of Land Management wilderness studies in Lincoln County.

In recent years, our coalition has met with local elected officials, ranchers, off-road enthusiasts, and other interested stakeholders on numerous occasions. We have also participated in field trips to the region with staff from the Nevada Congressional delegation, the Bureau of Land Management, staff from the Subcommittee on National Parks, Recreation and Public Lands, local officials and other interested citizens.

We have participated in the Technical Review Team (TRT) created by the Lincoln County Coordinated Resources Management (CRM) Steering Committee, formed to bring concerned stakeholders together to discuss issues involving wilderness designation.

#### Citizens' Wilderness Proposal

The Nevada Wilderness Coalition believes that the Bureau of Land Management's wilderness inventories of the late 1970's were faulty for numerous reasons. We have been working since that time to provide more accurate inventories of wilderness quality lands in Nevada.

In 1979, during its eight-month Initial Wilderness Inventory, the Nevada Bureau of Land Management used "existing information" and "inventoried" roughly 49 million acres and immediately dropped 32.9 million acres from further consideration. This was a rushed process by any measure. The public was then given only 90 days to comment on the decision.

The Bureau of Land Management then spent six months on "intensive" on-the-ground surveys of the remaining 16.1 million acres. Assuming they worked seven days a week, this "intensive" inventory required Bureau of Land Management personnel to survey 88,462 acres per day. After this intensive survey, which was cursory at best, the agency dropped 11.1 million acres from further consideration. Once again, the public was given only 90 days to comment on the decision.

Using the latest technology and mapping methods, as well as modern science, the Nevada Wilderness Coalition is working to protect all Wilderness-quality public land remaining in the State. As part of that effort, the Coalition developed a comprehensive proposal for Wilderness in Eastern Nevada.

Because potential wilderness areas and the wildlife found within them regularly straddle administrative boundaries, the Coalition believes in creating Wilderness proposals based on ecological rather than administrative boundaries (i.e. county lines). Our Citizens' Wilderness Proposal for Lincoln County recommended Wilderness designation for over 2.5 million acres of public land within the Mojave Desert and Great Basin regions of Lincoln County.

The process of creating a Citizens' Wilderness Proposal for Eastern Nevada involved conducting updated field inventories as well as researching current data provided by federal land managers, state offices, local citizens, and local governments. The field inventory process involved sending paid and volunteer field crews out to Eastern Nevada to photo document man-made impacts on the land and mark precise locations on a topographic map using a global positioning system (GPS) unit. To date, the field inventory process has yielded over 1,000 photos taken during the fall and winter of 2000 and again during the fall, winter and spring of 2002-2003. The field inventory information was then compared with existing data from other sources in an effort to minimize potential conflicts with other uses of the proposed Wilderness areas and to respond to agency information and rationale that the Coalition felt was outdated and/or contradictory. Finally, based on updated fieldwork and additional research, Wilderness proposal area boundaries were delineated and descriptions and Wilderness rationale were documented.

The Citizen's Proposal for Wilderness in Lincoln County includes a portion of the U.S. Fish and Wildlife Service-managed Desert National Wildlife Range and corresponds to the agency's Wilderness recommendations submitted to Congress in 1973. The Citizen's Proposal also includes all of the Bureau of Land Management managed Wilderness Study Areas (WSA) in the county. The Coalition advocates for the protection of entire WSAs, whether recommended or non-recommended by the BLM. Based on field inventories and extensive research, the Coalition asserts that each of these WSAs qualify as Wilderness and merits protection as such. In addition to the WSAs, the Coalition has included Bureau of Land Management-managed lands that were not given WSA status by the agency following its Intensive Wilderness Inventory of the 1979-1980. The Coalition has conducted updated field inventories of many non-WSA public lands

within the last several years and has determined that many do qualify for Wilderness based on the criteria of the Wilderness Act. Many of these areas recommended for Wilderness designation in our Citizens' Proposal were originally dismissed by the BLM from further Wilderness study based on flawed criteria and rationale, which essentially resulted in the dismissal of significant wild desert landscapes throughout Nevada.

The Citizens' Wilderness Proposal enjoys broad support in Nevada. Polls conducted by independent pollster Mason-Dixon Research confirm strong backing from Nevadans for major additions to the National Wilderness Preservation System in the state. Fifty renowned scientists have recently written Nevada's congressional delegation asking that they enact the Citizens' Wilderness Proposal for Eastern Nevada.

#### Wilderness designations under H.R. 4593

The Nevada Wilderness Coalition is grateful that the Nevada Congressional delegation is addressing Wilderness designation in Lincoln County. We appreciate their willingness to consider Wilderness recommendations from our Citizens' Wilderness Proposal.

As you know, H.R. 4593 would designate 14 Wilderness areas, all of which are under the purview of the Bureau of Land Management, totaling roughly 770,000 acres. The bill would release roughly 246,000 acres from WSA status, including four Bureau of Land Management WSAs that are released in their entirety.

Although it falls short of our expectations, H.R. 4593 would protect a significant amount of wilderness and make important additions to the National Wilderness Preservation System.

Some highlights of the areas and resources that would receive Wilderness protection under H.R. 4593 include:

- Designations within the Mormon, Meadow Valley, Delamar and Clover Mountains WSAs. These four areas total about 476,000 acres. The "Big Four" and the nearby Desert National Wildlife Range comprise an extensive block of relatively intact wild landscapes.
- The lofty limestone cliffs and the beautiful Whipple Cave of the Far South Egans.
- The fragile caves and bristlecone pines found in the Worthington Mountains.
- Colorful volcanic tuff formations, and important riparian areas, in the Fortification Range.
- Large ponderosa pine forests in the Weepah Spring area and Clover Mountains.
- Dramatic stands of quaking aspen and Douglas fir in Parsnip Peak.
- Important wildlife habitat throughout these areas, for many wildlife species including desert tortoise, elk, deer, bighorn sheep, goshawks, golden eagles and many species of migrating raptors.

The bill also includes two Citizen-proposed areas: the stunning Big Rocks Wilderness, a popular recreation area; and the Mt. Irish Wilderness, with its rich archeological resources. These Citizen-proposed areas were missed by the BLM during their inventory and never became WSAs.

#### Nevada Wilderness Coalition Concerns Regarding the Wilderness Title of H.R. 4593

Although the Coalition is very appreciative of the wilderness designated under H.R. 4593, we have some important concerns regarding this title. First, and foremost, we are troubled by the very large amount of land that is "released" from Wilderness Study Area status. The lands contained in these WSAs have been managed to protect their wilderness values for more than 20 years. Releasing these lands to potential development is a step backwards for conservation in Lincoln County. Many of the areas released from WSA status have no compelling rationale for their release.

Of special concern are 80,000 acres identified for release within the Parsnip Peak and Table Mountain WSAs. All of Table Mountain WSA and a substantial portion of Parsnip Peak are to be released from WSA status under H.R. 4593. While the Nevada Wilderness Coalition believes that boundary modifications can be accommodated in these areas, it seems heavy handed to release so much acreage within a relatively small geographic area. It is also troubling that the amount of land designated as Wilderness in Parsnip Peak is less even than the amount of land that the BLM recommended.

Several of the released portions of the southernmost WSAs are lower elevation areas that provide important habitat for the federally threatened Desert Tortoise and other imperiled species. We urge that these areas be designated as Wilderness.

There are many deserving areas that do not receive protection under H.R. 4593. We have provided detailed information on additional areas worthy of Wilderness designation in our Citizens' Wilderness Proposal. The areas not designated as Wilderness under this legislation that are most troubling to the Nevada Wilderness Coalition include the Pahrangat Range, and Wilderness-quality land within the Desert National Wildlife Range.

The Desert Hills-Pahrangat Proposed Wilderness is a mosaic of canyons, peaks and ridgelines. It contains sensitive wildlife habitats and an array of archeological resources including the incredible petroglyphs in the area known as the "Shooting Gallery." Wilderness designation for the area, will guarantee long-term protection to the area's rich Native American history.

We feel strongly that H.R. 4593 should designate Wilderness within the Desert National Wildlife Range. The U.S. Fish and Wildlife Service recommended Wilderness designation in the Range in 1973. Congress did not enact these recommendations under the Clark County public lands bill of 2002. Wilderness designations within the Desert National Wildlife Range are clearly within the scope of this legislation and should be addressed at this time.

The Coalition feels that Wilderness designations depicted on the map accompanying H.R. 4593 contain too many "cherrystems." We recognize the occasional value of "cherrystems" to allow for wilderness boundaries to be brought to lower elevations and the access that they provide to wilderness areas. However, the abundance of and length of "cherrystems" in Wilderness areas designated under H.R. 4593 are problematic. "Cherrystems" create management problems for managing agencies. They also fragment wildlife habitat, damage springs, increase the likelihood of vandalism to cultural resource sites and spread invasive plants.

Numerous cherrystems go directly to springs or developed water sources (guzzlers). In order to protect and lessen harassment and impacts to wildlife, cherrystems should be pulled back at least 0.5 to 1 mile from the water sources. Examples include Horse Springs in the Mormon Mountains, Riprap Springs and Lake Springs in the White Rock Range.

Sec. 203 (b) of H.R. 4593 defines the boundary of the wilderness area along roads as a 100-foot setback from the edge of the road. We suggest that the boundary setback be consistent with the traditional boundaries used by Congress of a 300-foot setback from the centerline of a paved highway, a 100-foot setback from the centerline of a major dirt road, and a 30-foot setback from the centerline of a low standard dirt road / jeep trail.

The Coalition believes that the wildlife management language for Wilderness in the bill is overly broad. Habitat modification in Wilderness areas is generally inappropriate. However, in some instances, habitat modification in Wilderness may be necessary to maintain wilderness character. Specifically, certain management activities may be necessary to restore wildlife populations, or to restore a more natural vegetative regime that has been suppressed by human-caused actions. We believe that the construction of new "guzzlers" should be prioritized outside of Wilderness areas.

The Nevada Wilderness Coalition believes that language should be added to the Wilderness title of H.R. 4593 reserving federal water rights for Wilderness areas designated by the bill. Furthermore, we hope that the Subcommittee will address the potential impacts to springs and other water resources within Wilderness Areas from potential drawdowns of contiguous aquifers outside of the Wilderness Areas.

### TITLE III- UTILITY CORRIDORS

The environmental community is united in its opposition to the inclusion of utility corridors and legislative issuance of water pipeline rights-of-way under H.R. 4593. Several other conservation organizations have submitted detailed testimony on this title, and we respectfully ask that the Subcommittee carefully review the concerns that they have raised.

We believe that the NEPA process should be used as a means to evaluate the other options available to Las Vegas to help meet the regions growing water needs and address drought. Water conservation measures must be explored in greater depth and implemented before rural water development moves forward.

The Coalition believes that more flexibility in the location of utility corridors is needed should a NEPA analysis determine impacts to important resources such as cultural sites or sensitive species.

In Nevada, a lack of objective and independent water information is a barrier for rural counties to effectively participate in the Nevada water adjudication process.

The Nevada Wilderness Coalition appreciates the inclusion of an independent water study for White Pine County in the legislation. We strongly believe that the study should be expanded beyond White Pine County to examine the regional aquifer underlying Lincoln, Clark, and Nye counties as well. Furthermore, the study should examine potential impacts on wildlife, conservation units and ranching from water pumping and drawdowns. The study should not be limited to examining the quantity of water in White Pine County only.

Given that Nevada is the driest state in the nation, critical examination and understanding of the ground water aquifer is essential prior to making long-term commitments to provide water to urban populations.

#### TITLE IV – SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

The Nevada Wilderness Coalition supports designated routes for off-road vehicle travel on Bureau of Land Management lands. We believe that the resource management plan and activity planning process provides the agency and the public the best opportunity to study and determine ecological, aesthetic, historic, cultural, economic, social, or health impacts due to recreational off-road vehicle use on public lands.

Our strong preference is to require a plan before designating a route and to allow land managers the necessary flexibility after the plan is finalized to manage the route to protect other visitors, wildlife, and natural resources as President Nixon urged in his 1972 Executive Order. By designating a specific, predetermined route, this legislation restricts the public's ability to participate in the route selection and excludes consideration of the cumulative effects. We urge you to include a provision that requires the agency consider public input and cumulative effects at the very outset.

We believe the agency must complete a NEPA process that engages the public, scientific community including wildlife biologists, and all recreationists and visitors who enjoy the area as well as determine present and future cumulative impacts to the area.

In his 1972 Executive Order---still in place today--President Nixon recognized the critical importance of regular and careful monitoring and enforcement of off road vehicles and mandated that land management agencies must monitor the effect of off-road vehicles on land under their jurisdiction. Therefore, we strongly recommend BLM supply regular (no less than every three years) monitoring report to Congress.

The Coalition believes the proposed route as shown on the map of record does not adequately address wildlife impacts. In our discussions with the Nevada Division of Wildlife, it has become clear that the proposed route traverses important mule deer migration routes and could have an impact on springs, especially along the northeast portion of the route. We urge Representative Gibbons to work with Bureau of Land Management staff to provide alternatives to avoid these important wildlife migration routes.

The Coalition feels that language should be added to this title that makes clear that the trail can be used for "touring" but will not be open to competitive events, "play areas," or race behavior.

For the Silver State Trail to be designated and properly managed, BLM must be provided the financial resources to adequately educate the public about the route through maps, signage, and other information tools to keep users on the route. The Coalition appreciates the inclusion of legislative language in this title requiring signage along the route.

In addition, adequate monitoring and enforcement must be in place to enforce management decisions and protection of the area. Currently the Ely Field Office of the BLM does not have enough resources to adequately carry this out. For example, the Ely BLM office has one law enforcement officer for 12 million acres of public land. Therefore, Congress must provide adequate funding for management, monitoring and enforcement of the route.

#### TITLE V – STATE AND COUNTY PARK CONVEYANCES

H.R. 4593 identifies 14,330 acres of BLM managed public lands to be conveyed to Lincoln County for the conservation of natural resources or public parks. Although we do not object to Lincoln County managing open space or parks we have questions about the parcels they have selected. Lincoln County might have more flexibility by selecting land for parks through the Recreation and Public Purposes Act rather than this

legislation.

We also understand the desire of the State of Nevada to expand some of their state parks. We are concerned that there is barely money available to manage the state parks currently in the state park system. We hope that the State will make more funding available to cover the management costs if the Cathedral Gorge, Beaver Dam and Kershaw Ryan state parks are expanded.

#### TITLE VI – TRANSFERS OF JURISDICTION

The purpose of this title is to facilitate the movement of a utility corridor from the east side to the west side of Highway 93.

The Nevada Wilderness Coalition is generally supportive of consolidating utility rights-of-way to reduce the environmental impacts of separate parallel rights-of-way. That being said, we have been on record for several years opposing the proposed massive development in the Coyote Springs Valley. We are concerned that moving the right-of-way to the west side of highway 93 will lead to an even larger development in Coyote Springs than initially proposed.

There are major uncertainties regarding the impacts that this proposed development would have on the limited water resources in the region. Development of the Coyote Springs project will intensify pressures on the land resulting from tens of thousands of people moving into what is now a wild, undeveloped valley. We ask that Congress not facilitate the construction of this ill-conceived development by enacting this title. We remain hopeful that this land could be returned to public ownership using SNPLMA funds.