

**Statement for the Record**  
**Bureau of Land Management**  
**Department of the Interior**  
**House Natural Resources Committee**  
**Subcommittee on National Parks, Forests and Public Lands**  
**H.R. 2100, Mohave County Shooting Range**  
**February 25, 2010**

Thank you for the opportunity to testify on H.R. 2100, which proposes to transfer 315 acres of public lands managed by the Bureau of Land Management (BLM) to the Arizona Game and Fish Department (AGFD) for use as a public shooting range. The BLM supports the goals of the legislation, but we note that BLM is nearing completion of the administrative process to accomplish the transfer that the BLM has been following for the last ten years with the AGFD, the Fort Mojave Indian Tribe, the Hualapai Tribe, and the public to find appropriate lands for a public shooting range within the Mohave Valley in Arizona.

On February 10, 2010, the BLM approved the decision to authorize the disposal of BLM lands to the AGFD (through the Recreation and Public Purposes Act; R&PP) to be used as a public shooting range. The decision, which is consistent with the goals of HR 2100, provides a safe, designated shooting environment for the public and includes stipulations to respect the traditional beliefs of the Fort Mojave and Hualapai Tribes. The near conclusion of the administrative process obviates the need for a legislatively mandated transfer. Since a final decision has been made through the administrative process, the BLM will continue working with interested parties as we move forward with implementation of the shooting range.

**Background**

In 1999, the AGFD first submitted an application to the BLM for development of a public shooting range on BLM-managed lands in Mohave County, north of Bullhead City in northwestern Arizona. As a result, the BLM began working with AGFD and other interested parties to assess appropriate lands to transfer to the AGFD for the purposes of a shooting range under the R&PP.

The BLM evaluated AGFD's application through an environmental assessment (EA) and considered numerous alternative locations throughout the Mohave Valley. The evaluation process was conducted with full public and tribal participation. There is an identified need for a designated public shooting range in this region because of the lack of a nearby facility, the amount of dispersed recreational shooting occurring on public and private lands raising public safety concerns, and the associated natural resource impacts from spent ammunition and associated waste.

In 2002, the BLM began consultations with the Fort Mojave Indian Tribe and the Hualapai Tribe. In 2003, the BLM began formal consultation with the Arizona State Historic Preservation Officer (SHPO); and in 2006, the BLM began formal Section 106 consultation with the Advisory Council on Historic Preservation (ACHP). These consultations, as required by Section 106 of the National Historic Preservation Act and other authorities, ensure Federal Agencies consider

the effects of their actions on historic properties, and provide the ACHP and SHPO an opportunity to comment on Federal projects prior to implementation.

In addition to the consultation process, the BLM initiated a year-long Alternative Dispute Resolution (ADR) process in 2004 to help identify issues, stakeholder perspectives, and additional alternatives to meet the criteria for a safe and effective public shooting range in the Mohave Valley. However, the ADR process failed to reconcile the differences between the consulting parties regarding a proposed location.

In 2006, the BLM continued Section 106 consultation with the ACHP. This effort included site visits by the concerned parties and multiple efforts to determine possible mitigation and alternative sites. Regrettably, through all these efforts, the BLM was unable to reach an agreement with the tribes on any area within the Mohave Valley that they would find acceptable for a shooting range. The tribes maintained their position that there is no place suitable to them within the Mohave Valley, which encompasses approximately 140 square miles between Bullhead City, Arizona, and Needles, California.

Through the EA process, the BLM identified the Boundary Cone Road alternative to be the preferred location. Boundary Cone Butte, one of the highly visible mountains in the Mohave Valley, lies east of the Boundary Cone Road site, and is of cultural, religious, and traditional importance to the Fort Mojave Indian Tribe and the Hualapai Tribe. In an effort to address the primary concerns expressed by the tribes over visual and sound issues, the BLM and AGFD developed a set of mitigation measures. Again, there was a failure to agree between the consulting parties on possible mitigation. In the end, the BLM formally terminated the Section 106 process with the ACHP in September 2008. In November, 2008, ACHP provided their final comments in a letter from the Chairman to Secretary Kempthorne.

Although the Section 106 process has concluded, the BLM has continued ongoing government-to-government consultations with the tribes. In May of 2009, the BLM met with the Chairman of the Fort Mojave Indian Tribe, the AGFD, and the Tri-State Shooting Club in a renewed effort to find a resolution. On February 3, 2010, after continued efforts to reach a mutually agreeable solution, the BLM presented the decision to approve the shooting range to the Fort Mojave Indian Tribe and the AGFD. The final decision includes mitigation measures to address the concerns of the tribes such as reducing the amount of actual ground disturbance; reducing noise levels with berm construction; monitoring noise levels and reporting annually; and fencing to avoid culturally sensitive areas. The Secretary has the authority to invalidate the patent if the AGFD fails to comply with mitigation measures. The final decision to amend the Kingman Resource Management Plan and dispose of the lands through the R&PP was signed on February 10, 2010. The 30-day appeal period expires at the end of March 2010, after which BLM will work to resolve any appeals. Baring any outstanding issues the BLM then plans to issue the patent to transfer the public land after pre-construction requirements described in the final decision are completed.

### **H.R. 2100**

H.R. 2100 provides for the conveyance at no cost of approximately 315 acres of BLM-managed public lands in Mohave County to the AGFD to be used as a public shooting range. These are generally the same lands that were approved for a public shooting range through the R&PP process as discussed above. The conveyance would be subject to valid existing rights and is intended to provide a suitable location for the establishment of a centralized public shooting facility in the Mohave Valley and the Tri-State Area (Arizona, Nevada, and California).

As a matter of policy, the BLM supports working with local governments and tribes to resolve land tenure issues that advance worthwhile public policy objectives. BLM acknowledges the lands are of cultural, religious and traditional significance to the tribes which is why we support mitigation measures as part of H.R. 2100. In general, the BLM supports the goals of the proposed conveyance, as it is similar to the transfer BLM has been addressing through its administrative process for the last ten years. However, since a final decision has been made through the administrative process, the BLM will continue working with the interested parties, including tribes, during implementation of the shooting range to address their concerns. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships.

If the Congress chooses to legislate this conveyance, the BLM would recommend some technical improvements to the bill, including the incorporation of mitigation measures to address tribal and other concerns, as well as a clause to allow the lands to revert back to BLM at the discretion of the Secretary if the lands are not being used consistent with the purposes allowed in the R&PP act.

### **Conclusion**

Thank you for the opportunity to testify. Resolution of this conveyance in a manner that is acceptable to all parties has been an important goal of the BLM as evidenced by more than 10 years of negotiations and review. The BLM is confident the recently approved decision adequately addresses the concerns of the interested parties, while providing critical recreational opportunities and benefits to the public.