

**STATEMENT OF TOM FULTON
DEPUTY ASSISTANT SECRETARY
FOR LAND AND MINERALS MANAGEMENT
ON
H.R. 223 and S. 1451**

**BEFORE THE
SENATE ENERGY SUBCOMMITTEE ON
FORESTS AND PUBLIC LAND MANAGEMENT
NOVEMBER 27, 2001**

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear here today to testify on two bills: H.R.223, a bill to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993; and S. 1451, to provide for the conveyance of certain public lands in Clark County, Nevada for use as a shooting range. The Bureau of Land Management (BLM) supports H.R. 223 and S. 1451 with suggested changes. I would like to address each of these bills individually.

H.R. 223 a bill to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993

H.R. 223 amends section 5 of the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 by extending until May 19, 2015, the time allowed Clear Creek County to sell certain lands that it received from the BLM under the 1993 Act.

The 1993 Act helped achieve the goal of consolidating BLM administration in eastern Colorado by transferring approximately 14,000 acres of land from the BLM to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume.

H.R. 223 applies only to 7,300 acres that were transferred to Clear Creek County. The 1993 Act provides that, after the county prepares a comprehensive land use plan, the county may in turn resell some of those lands. The BLM recognizes that Clear Creek County has not completed the land use planning of the acreage conveyed by the United States and needs a statutory extension. Under H.R. 223, the new deadline would be May 19, 2015.

The complexity of the fragmented county land ownership, intermingled with patented mining claims, requires much more time and effort than was initially anticipated, and will require most--if not all--of the ten-year extension. We understand that Clear Creek County will be able to complete the conveyance of these remaining lands with this extension of time and therefore we support this bill.

S. 1451 Conveyance of Public Lands to Clark County, Nevada for Use as a Shooting Range

S. 1451 provides the Secretary of the Interior with special disposal authority to convey 2,880 acres of BLM administered lands in Clark County, Nevada, to the County for the establishment of a centralized shooting facility in the Las Vegas valley.

In the Recreation and Public Purposes Act (R&PP), Congress recognized the benefit of conveying BLM-managed public lands to local governments without compensation for recreation and public purposes. Under the R&PP the Secretary can convey up to 6,400 acres of public lands to a political subdivision of a State without compensation for recreation purposes. The R&PP limits conveyances for public purposes other than recreation to 640 acres. Because this land will be used as a target range both for recreational purposes and for training of law local law enforcement officers, the 640 acre limitation appears to apply and this legislation is needed.

We would like to suggest a few changes to this legislation to improve the administration of this bill if enacted and would be pleased to work with the committee to address these concerns.

The conveyance of these lands by the BLM will result in certain administrative costs. For example, a resurvey will likely be required since the area would have common property boundaries with other land ownerships that could create use conflicts without a specific defined property boundary. For this reason we suggest that the bill be amended to include language providing compensation by Clark County to the BLM for survey costs and other administrative costs related to the preparation of patents and transfer of title.

Additionally, the United States must avoid the potential for hazardous waste liability from any property that reverts to the United States under Section 1 (e) (2) of the bill. We suggest an amendment that Clark County be required to clean up any hazardous waste contamination prior to reversion to the United States.

This concludes my statement. I would be happy to answer any questions.