

**Statement of  
Rebecca W. Watson  
Assistant Secretary for Land and Minerals Management  
Department of the Interior  
Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands and Forests  
Hearing on S, 2532,  
Lincoln County Conservation, Recreation and Development Act  
September 14, 2004**

Thank you for inviting me to testify on S. 2532, the Lincoln County Conservation, Recreation and Development Act. This bill is a testament to the hard work and perseverance of the Nevada Congressional delegation and their constituents. We wish to acknowledge Senators Ensign and Reid along with Congressman Gibbons and the rest of the delegation, for their work to resolve the Wilderness Study Area (WSA) logjam in Nevada and address a number of other lands related issues. The Department of the Interior supports the purposes of this legislation and, with amendments, would support S. 2532.

Lincoln County, Nevada, covers over 10,000 square miles, and with a population of 4,200, Lincoln County is the epitome of the wide open spaces which for centuries has fueled the imagination of what the West was and is. Nearly 98% of Lincoln County is owned by the Federal Government (over 80% is BLM-managed) which is why public land policies are so important to the people of Lincoln County.

**Title I—Land Disposals**

Title I of S. 2532 provides for the potential disposal of close to 100,000 acres of public lands out of BLM management and into private ownership through two different mechanisms. We support this general proposal, but we are opposed to certain specific provisions.

Section 103 of S. 2532 provides that 50% of the proceeds would go into a special account available to the Secretary and that 45% would be directed to the county for economic development purposes, while 5% would be directed to the state's education funds. The Administration opposes this distribution, believing that, at a minimum, 85% of the proceeds derived from sales should be retained by the Federal government. We note that the BLM will incur considerable administrative costs to prepare for these lands sales in Lincoln County.

The Lincoln County Land Act (LCLA) directed the BLM to offer for sale approximately 13,500 acres of land in southeastern Lincoln County. The law further directed that 85% of the proceeds from those sales be dedicated to a special account available to the Secretary for a range of uses primarily in Lincoln County including processing lands actions, developing habitat conservation plans, protecting and managing archaeological resources, and the acquisition of environmentally-sensitive land in Nevada outside of Clark County. In addition, 5% of the proceeds are dedicated to the general education fund of the State of Nevada and 10% to Lincoln County for its budgetary needs.

In October of 2001, the BLM offered for sale three parcels of land totaling 6,478 acres under LCLA area. Since that time, the sale of lands has halted by litigation and a planned sale for this August has been postponed because of continuing legal action. Most recently, the Federal District Court on March 22, 2004, determined that the BLM was obliged to complete an Environmental Impact Statement (EIS) rather than an Environmental Assessment (EA).

S. 2532 directs the BLM to sell the same lands within 75 days of enactment. Seventy-five days is not a sufficient length of time in which to do the environmental work necessary under NEPA and other necessary environmental clearances. Congress should specify its intent regarding NEPA and the other environmental work associated with these transfers.

The bill designates eight separate disposal areas around or near the towns of Hiko, Ash Springs, Rachel, Alamo, Carp, Crestline, Caliente, Panaca, and Pioche. Similar to the Southern Nevada Public Lands

Management Act (SNPLMA), the BLM would work cooperatively with local communities to determine the selection and timing for offering the 87,000 acres for competitive sale within the disposal boundaries.

The BLM would comply with the National Environmental Policy Act (NEPA) and could exempt up to 10,000 acres from the disposal boundaries if it determines that the lands were most appropriate to stay in Federal ownership to protect wildlife habitat or cultural resources. Most of the lands within the disposal boundaries have been identified by the BLM for disposal through our land use planning process or are expected to be identified for disposal in upcoming land use plan revisions. We therefore do not object to the creation of these disposal areas.

Finally, we have a number of technical amendments to recommend to Title I. For example, section 102(f) requires direct sale through competitive bidding in all cases, while there may be isolated cases under which a modified competitive sale or a direct sale could be more appropriate. Likewise, section 102(h)(1) requires the BLM to “convey” lands when we believe the intention is to “offer for sale” lands. We look forward to the opportunity to submit amendments and work with the sponsors and the Committee on these and other technical matters.

### **Title II—Wilderness**

The BLM currently manages 989,273 acres of Wilderness Study Areas (WSA) in Lincoln County. Title II seeks to bring resolution to the WSA issue in Lincoln County by designating nearly 770,000 acres of public land as wilderness and releasing nearly 246,000 acres of public lands from WSA status. (All of the existing WSAs in Lincoln County are addressed and resolved in this legislation with the exception of Mt. Grafton and South Egans Range both of which extend across the border into White Pine County.) Senators Ensign and Reid and the entire delegation have worked with communities to reach agreement on these designations. We hope that this cooperative approach can be a model for other states and regions to take similar actions. Congress has the sole authority to designate lands to be managed as wilderness and the Nevada Congressional delegation has shown on more than one occasion that sometimes controversial issues can be resolved in a collaborative bipartisan fashion. We strongly support this cooperative approach.

The bill would release 245,516 acres of BLM-managed lands in Lincoln County from WSA status and interim protection of their wilderness values under section 603(c) of the Federal Land Policy and Management Act (FLPMA). The entire 36,000 acre Table Mountain WSA, the Evergreen A, B, and C, as well as portions of 14 other WSAs are included in this release. Release will return these lands to non-wilderness multiple use.

The lands identified in the bill for designation are noted for their unspoiled Great Basin mountains, deep rugged canyons, high deserts, forested ranges, geologic treasures, and abundance of biological diversity. Cold winters and warm summers characterize this area whose wildness cannot be overstated. Each of the 14 wilderness areas designated by this bill has unique features and fascinating stories.

In the southernmost part of the county are the three high desert proposed wilderness areas—the Delamar Mountains, Meadow Valley Range, and the Mormon Mountains. True Mohave Desert, these three are characterized by big canyon washes, high limestone peaks, and dramatic geologic features. Colorful cliffs and dramatic crags are home to bighorn sheep, raptors, and recreationists seeking a remote and wild experience.

“Canyon Country” best describes the Clover Mountains and Tunnel Springs. Narrow twisting canyons formed by rushing water over colorful volcanic rocks define these areas. Rare perennial high desert streams dot the area. Outstanding photographic opportunities exist through these areas. Tunnel Spring straddles the Utah/Nevada border but the legislation only addresses the Nevada portion.

The western half of Lincoln County is home to six of the bill’s proposed wilderness areas covering a wide range of elevations, but characterized throughout by mountainous terrain. High mountain peaks, to 9,800

feet in the Far South Egans, typify these areas that straddle the Mohave Desert in the lower elevations to the Great Basin in the higher elevations. These mountainous areas include South Pahroc Range, Worthington Mountains, Weepah Springs, Far South Egans, Mt. Irish, and Big Rocks. Although the latter two are not BLM WSAs and were not studied by the BLM for suitability as wilderness, a preliminary review suggests that there are no significant encumbrances which would impair their wilderness characteristics.

For those areas in the bill not identified as WSAs, and for the areas in the bill that were determined by the BLM to be non-suitable for wilderness, we note that Congress has plenary authority over the disposition of public lands. If Congress ultimately approves the bill, we do not see any additional management impediments to their inclusion.

The northern part of the county contains the densely-forested areas of Fortification Range, Parsnip Peak, and White Rock Range. Typical Great Basin areas, they include high meadows, pinyon-juniper forests, and dense aspen and fir stands. Wildlife abounds, ranging from mule deer and antelope to mountain lions and raptors.

The BLM supports the efforts of the Nevada delegation to arrive at boundaries through consensus and compromise. We would like the opportunity to work with the sponsors and the Committee on technical issues including minor boundary adjustments, cherry stem road realignments, and map clarifications.

### **Title III— Utility Corridors and Rights-of-Way**

Section 301 of S. 2532 establishes two half-mile wide utility corridors in Lincoln County for the benefit of the Southern Nevada Water Authority and the Lincoln County Water District (256 miles and 192 miles long respectively). The bill establishes corridors and the Secretary is to subsequently grant use of the corridors to these entities following compliance with NEPA. We support the idea of expediting that establishment of the utility corridors to facilitate development and to minimize disruption of the resources. We have some concerns with specific provisions in this section and look forward to submitting amendments and working with the Committee to address these concerns and to ensure that the intent of the legislation is fulfilled.

The proposed utility corridors are specifically delineated on the June 14, 2004, Lincoln County Map. We are concerned that a rigid adherence to a specific line may not be in the best interest of the protection of cultural resources, habitat, and other resource uses. Rather we would prefer that the lines on the maps be guidelines and that the BLM establish the actual utility corridors through a public process which would allow both the BLM's expertise and the public's interest to be considered.

Additionally, we believe that designating the utility corridors for a specific entity's use may not be in the public interest. Rather, we would prefer that the utility corridors simply be identified. In this way, any entity wishing to use them could apply for a right-of-way through the BLM's regular process. We are also particularly concerned that the bill language seems to suggest that in addition to being issued in perpetuity and rent-free, the rights-of-way would be completed by the BLM without cost-recovery for the NEPA and other necessary environmental work. Typically, the Federal government is reimbursed by commercial enterprises seeking rights-of-way for the cost of completing related NEPA and environmental work. In the case of the extensive rights-of-way proposed in this bill, we anticipate the cost of completing the work required by NEPA would be well in excess of \$1 million. We would like to work with the Committee on amendments that provide clarification.

Finally, there are a number of technical issues that need to be addressed in this section. For example, we would like to clarify that the utility corridors would only be established on public lands, not on private lands. Also, in several places the half-mile wide corridor runs directly through areas which are established for disposal in Title I. Section 301 withdraws the lands within the corridor from disposal, thus negating the provisions in Title I. We would like the opportunity to work on amendments with the sponsors and the Committee on this and other, more technical issues. In addition, we note that the U.S. Geological Survey

is directed by this title to conduct a study on water-related issues in White Pine County. The Department supports a study that would evaluate the regional significance of groundwater development in both White Pine and Lincoln Counties.

The second part of this title proposes to relocate a utility corridor in southern Lincoln and northern Clark counties. The lands on which the existing right-of-way corridor is located were patented by the BLM to the Aerojet General Corporation in 1988. Aerojet General has since reconveyed those lands to a third party. The original transfer was subject to a Federal reservation for the utility corridor. The value of those lands encumbered by the utility corridor's Federal reservation (approximately 10,000 acres out of a total 50,000 acres) was reduced by approximately \$9.50 per acre due to the Federal reservation. We believe that the Federal government should be fairly compensated for the removal of the Federal reservation, based on the 1988 value reduction of the lands transferred to Aerojet General adjusted to an appropriate index. In addition, there are a number of technical issues we would like to address in this section through amendments to the bill for clarity.

#### **Title IV—Silver State OHV Trail**

Title IV would establish a 260-mile off-highway vehicle (OHV) trail throughout Lincoln County on existing BLM roads and trails. We believe this trail can be a significant draw for tourism in Lincoln County as well as allowing the residents of Lincoln County yet another way to experience and enjoy their public lands. We encourage the sponsors and the Committee to consider giving the BLM additional flexibility to modify the trail's path if resource conditions require it. In addition, we recommend that the timing of the management plan be extended from 2 to 3 years to insure full public involvement and comment. Otherwise, we support this title.

#### **Title V—Park Conveyances**

Under this title, S. 2532 proposes to transfer nearly 5,000 acres of BLM-managed lands to the State for inclusion in the state park system and over 14,000 acres to the county for similar purposes. As a matter of policy, the BLM looks for opportunities to work cooperatively with local communities on local recreational needs. Through the Recreation and Public Purposes Act (R&PP) the BLM regularly transfers lands to state and local governments for a variety of parks, recreation and other purposes. In the case of recreational uses, such as state and county parks, the BLM can transfer those lands without charge.

We would prefer to use the R&PP Act in these cases. However, if the delegation desires to expedite the process, we would request some flexibility in the provisions of this title. Specifically, while the three additions to existing state parks appear reasonable and may be completed easily, we are less certain of some of the county park transfers. Some of the lands specifically identified for transfer do not have recreational values that we are aware of and, in fact, some of the identified lands include possible hazardous materials from abandoned mine sites. If the language of the bill were modified to authorize the transfer of a range of acres to both the State and the county with the agreement that the BLM and local government work cooperatively to achieve these transfers, we believe that all parties would be better served. In addition, there are technical issues we would like to address in this title including map references and the reversionary clauses.

#### **Title VI—Jurisdiction Transfer**

Under the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282) nearly 50,000 acres of BLM-managed lands were transferred to the Fish & Wildlife Service (FWS) on the eastern edge of the Desert National Wildlife Range. Title VI proposes to transfer back to the BLM approximately 8,382 acres of land including some of those lands transferred in 2000. In return 8,503 acres of BLM-managed land north of the Desert Wildlife Range will be transferred to the FWS. This would add a Joshua Tree forest that would connect two existing refuges.

This transfer of lands is proposed to provide an approximately ½ mile wide area to the west of State Highway 93 for a utility corridor and rights-of-way. This will accommodate the relocation of the utility corridor as provided in Title III of this bill. We have no objection to this provision as it allows the BLM to ensure a corridor for future utility needs in the fast growing Las Vegas area.

**Conclusion**

S. 2532 is a complex and wide-ranging piece of legislation. The Department of the Interior supports the purposes of this legislation. We commend the delegation on its hard work. We look forward to working with the Nevada delegation and the Committee on the changes we have recommended so that we can fully support S. 2532.