

**Statement of
Elena Daly, Director
National Landscape Conservation System
Bureau of Land Management
before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands and Forests
S. 758 and H.R. 1311, Nevada Cancer Institute Expansion Act
April 15, 2008**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify on S. 758, the Nevada Cancer Institute Expansion Act. H.R. 1311, the companion bill to S. 758, passed the House on March 4, 2008 and, as requested by the Committee, I'll also address H.R. 1311, as amended. While we support the goals of S. 758 and H.R. 1311, as amended, we cannot support the bills without modifications.

S. 758

S. 758 would convey without consideration approximately 80 acres of public lands (the "Alta-Hualapai" site) to the City of Las Vegas, Nevada, for the development of a cancer treatment facility, an adjoining park, a flood control project, a water pumping facility, and other commercial projects. While the BLM supports the goals of S. 758, we cannot support the bill unless there are major clarifications and modifications to make it consistent with our existing conveyance authorities and standard BLM practices.

The 80 acres proposed for conveyance under S. 758 are part of a larger parcel of land totaling 320 acres that was patented to the City in 1963 under the Recreation and Public Purposes Act (R&PP). The Federal government retains a reversionary interest in these lands if they are not used for the specific purposes for which they were transferred. A significant portion of this parcel of land was developed as the Angel Park Golf Course; however, the 80 acres proposed for conveyance under this bill remain undeveloped.

S. 758 provides that the City may convey without consideration portions of these lands to the Nevada Cancer Institute for the development of a new treatment facility and to the Las Vegas Valley Water District for the development of the pumping facility. The United States would retain a reversionary interest only for the portions the City conveys.

The bill also provides that if the City conveys portions of the site for the other purposes specified in section 3(a) of the bill that it must receive not less than fair market value and that the revenues received from the sales of these lands be distributed according to the formula outlined in Section 4(e)(1) of the Southern Nevada Public Land Management Act (SNPLMA), which allows for 85 percent of the proceeds from the land sales to be deposited in the special account established under SNPLMA; 10 percent paid directly to the Southern Nevada Water Authority; and 5 percent paid directly to the State of Nevada for use in the state's general education program. It is unclear whether or not the development of an adjacent park and the flood control project would involve the City selling the land.

While BLM is generally supportive of the intentions of S. 758, we believe that the bill should be modified to ensure that the conveyances outlined in Section 3(a) guarantee a fair return to the public and are consistent with existing conveyance authorities. Where the conveyances are for public purposes, they should be done consistent with the R&PP Act. The R&PP Act provides for conveyances at less than fair market value in certain circumstances. For example, the provisions in the R&PP Act provide for a 50 percent reduction in value of conveyances to non-profit entities, such as the Nevada Cancer Institute. However, the Administration recognizes that there may, indeed, be circumstances in which the public benefits of a proposed transfer outweigh financial considerations.

For the portions of land that are intended to be used for the development of commercial projects, we recommend that S. 758 be amended to direct the BLM to sell the identified lands at auction or through a modified competitive sale and consistent with SNPLMA. In contrast, the bill, as drafted, would require that the Secretary convey the property to the City of Las Vegas, which, in turn, could convey it for “not less than fair market value.” Such an amendment would eliminate the unnecessary step of conveying the land to the City, would ensure a fair return to the public, and would be consistent with standard BLM practices.

It is also possible that the specified uses identified in Section 3(a), such as the flood control project and the water pumping facility, can be administratively accomplished through the granting of rights-of-ways. The BLM would be happy to work with the City, the Flood Control District, and others in this effort.

H.R. 1311

H.R. 1311 was introduced in the House of Representatives on March 5, 2007. The BLM testified on H.R. 1311, a companion bill to S. 758, on October 23, 2007. The bill, as amended, passed the House on March 4, 2008, incorporating some but not all of our suggested changes.

Section 3 of H.R. 1311 requires the Secretary to convey to the Nevada Cancer Institute the portion of the 80 acre Alta-Hualapai Site needed for a cancer facility. It also requires the Secretary to convey to the City the remaining portion of the site needed for ancillary medical or nonprofit uses. All conveyances by the Secretary are at no cost, except for costs associated with title transfers or land surveys, at the discretion of the Secretary. Further conveyances by the City shall be “for no less than fair market value” and the proceeds are to be distributed in accordance with SNPLMA. To implement the conveyances, the bill directs the City to prepare a land survey that conforms to BLM’s cadastral survey standards, and it provides for relinquishment of the R&PP site. The bill in Section 4 authorizes the Secretary to grant rights-of way to the Las Vegas Water District for a flood control project and water pumping facility. Under Section 5, the United States retains a reversionary interest on all conveyed lands.

Consistent with our views on S. 758 and prior testimony on H.R. 1311, as amended, our overarching interest is that conveyances of public lands be in accordance with existing conveyance authorities and guarantee a fair return to the public. H.R. 1311, as passed, partially fulfills these objectives. The bill provides for administrative grants of rights-of-way to the Water District, consistent with FLPMA, to authorize the flood control project and water pumping facility. We are pleased this provision utilizes BLM’s existing conveyance practices and

authorities, and reflects the comments raised in our previous testimony on H.R. 1311. The bill also directs the City to conduct a land survey that conforms with the BLM's cadastral survey standards. We support this provision because it applies standard administrative practices.

However, other key provisions of H.R. 1311, as amended, are not consistent with existing authorities and we cannot support the bill without additional modifications. Consistent with our views on S.758, we support the purpose of the conveyance to the Nevada Cancer Institute, but it should be done in accordance with the R&PP Act to ensure a fair return to the public. While the bill provides for lands to be conveyed to the City at no cost, and for further conveyance by the City at "no less than fair market value", it is not clear if the lands conveyed to the City are intended to be used for non-profit or commercial purposes. Again, to ensure a fair return to the public, we believe that conveyances for public purposes should be consistent with the R&PP Act, while conveyances for commercial purposes should be consistent with SNPLMA and offered by the BLM at auction or through a modified competitive sale.

Finally, H.R. 1311, as amended, requires the Secretary to report to Congress, within 180 days of enactment, on all transactions conducted under SNPLMA.

Thank you for the opportunity to testify on S. 758 and H.R. 1311, as amended. I will be happy to answer any questions.