

**Statement of
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Bureau of Land Management
Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 940, Southern Nevada Higher Education Lands Act
October 8, 2009**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify on S. 940, the Southern Nevada Higher Education Lands Act of 2009. S. 940 would convey, without consideration, three parcels totaling 2,410 acres to the Nevada System of Higher Education (NSHE) to meet the needs of southern Nevada's rapidly growing college and university system. The BLM supports the goals of S. 940, but would like to work with Senator Reid, the bill's sponsor, on amendments to ensure the conveyances are consistent with the Recreation and Public Purposes Act (R&PP), and to address certain parcel-specific management needs associated with the conveyances.

Background

The Nevada System of Higher Education serves more than 71,000 students in southern Nevada, and its enrollment is expected to grow by more than 20 percent over the next 10 years. Three institutions of higher education serve southern Nevada residents: the University of Nevada, Las Vegas; the College of Southern Nevada, located in Clark County; and Great Basin College, located in Pahrump in rural Nye County. All three of these institutions are operating near capacity. The NSHE is seeking to increase their capacities to provide for future growth and improve access to higher education opportunities in southern Nevada.

The communities of Las Vegas and Pahrump are nearly surrounded by BLM-administered lands. Under the direction of the 1998 Southern Nevada Public Land Management Act (SNPLMA), as amended, and through the BLM's land use planning process, the BLM has identified public lands within and near these communities for potential disposal from public ownership to help meet urban growth needs. The three public land parcels proposed for conveyance by S. 940 have been identified for disposal through these processes.

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands at nominal cost for recreational and public purposes, including educational facilities, municipal buildings, golf courses, campgrounds, and other facilities benefiting the public. Commercial uses may be allowable under the R&PP Act in limited circumstances, if revenues from concessions go toward site management and use.

S. 940

S. 940 proposes to convey to the NSHE, without consideration, all right, title, and interest of the United States to three parcels detailed on the maps prepared at the request of Senator Reid, dated July 11, 2008. The bill requires the NSHE to pay any administrative costs associated with the conveyances.

The bill requires the conveyed lands to be used for educational and recreational purposes related to the NSHE, and it allows residential and commercial development that would generally be associated with an institution of higher education. The bill also contains a reversionary clause that provides for the land to revert to the United States, at the discretion of the Secretary, if it ceases to be used for the higher education system.

As a matter of policy, the BLM supports working with State and local governments to resolve land tenure adjustments that advance worthwhile public policy objectives. In general, the BLM supports conveyances if the lands are to be used for purposes consistent with the R&PP Act and includes a reversionary clause to enforce that requirement. It is not clear, however, if the residential or commercial uses envisioned by the bill would be consistent with the R&PP Act. The BLM recommends that the legislation be clearly amended to ensure consistency with the R&PP Act.

S. 940 would convey two parcels that are located in urban settings near Las Vegas in Clark County. One parcel contains approximately 40 acres and would be utilized to meet the expansion needs of the College of Southern Nevada. This parcel is essentially a vacant, weedy field surrounded by major roads near a freeway entrance. It contains no significant natural resource values.

The second parcel contains approximately 2,085 acres and would be used for the expansion of the University of Nevada, Las Vegas. This parcel is located in a rapidly urbanizing area on the northern edge of Las Vegas. Its eastern boundary abuts Nellis Air Force Base and its northern boundary abuts the Nevada Desert Wildlife Refuge managed by the U.S. Fish and Wildlife Service.

Because of their proximity to Nellis Air Force Base, these lands may have been impacted by past military training activities and may contain hazardous materials. For this reason, S. 940 requires that the Secretary receive a certificate of acceptable remediation of environmental conditions on the parcel before initiating the conveyance, and it releases the United States from any liability arising from prior land uses. The bill also requires, under Sec. 4(2), that the NSHE enter into a binding agreement with Nellis Air Force Base to address any site development issues and to preserve the Base's long-term capability. Because this parcel also borders the Nevada Desert Wildlife Refuge, we would like to work with the sponsor to ensure that site development along the shared boundary would be sensitive to and compatible with refuge values.

S. 940 would also convey a parcel of approximately 285 acres, located just outside of Pahrump in Nye County, Nevada, which would be utilized for the expansion of Great Basin College. This parcel borders an existing BLM fire station and helipad, and certain types of adjacent development could affect the safe operation of this facility. This parcel also contains Carpenter Canyon Road, which is heavily utilized for recreation activities and provides access to the west side of the Spring Mountain National Recreation Area, which is managed by the U.S. Forest Service. The BLM would like to work with the sponsor to ensure that the bill provides for the continuation of these existing land uses and access to National Forest System land. We also note that this parcel contains desert tortoise habitat. If conveyed, the NSHE would need to prepare a Habitat Conservation Plan, obtain an incidental take permit, and meet other requirements of the U.S. Fish and Wildlife Service before site development could proceed.

Finally, under S. 940, the NSHE will assist the BLM in sharing information with students and Nevada citizens about public land resources and the BLM's role in managing public lands. The BLM looks forward to working with the NSHE on this constructive, collaborative effort.

Conclusion

Thank you for the opportunity to testify. The BLM looks forward to working with the bill's sponsor and the Committee to address the needs of the Nevada System of Higher Education.