

**Statement for the Record
Bureau of Land Management
U.S. Department of the Interior
House Committee on Natural Resources
Subcommittee on Federal Lands
H.R. 1504, Apex Area Technical Corrections Act
September 18, 2024**

Thank you for the opportunity to provide this Statement for the Record on H.R. 1504, the Apex Area Technical Corrections Act. This legislation would require the Secretary of the Interior to issue utility and transportation related rights-of-way (ROW) grants for the Apex Industrial Site in southern Nevada. The bill would also allow for the unlimited noncompetitive sale of sand and gravel resources from lands on which the United States has retained mineral rights within the Apex Industrial Site.

The Bureau of Land Management (BLM) supports the goal of facilitating public infrastructure expansion for the City of North Las Vegas. We would like to work with the Sponsor to ensure that the Department retains its discretion with respect to issuance of future utility or transportation ROWs and that the sale or use of any Federal minerals follows existing law and regulations.

Background

In 1989, Congress enacted the Nevada Land Transfer and Authorization Act (Public Law 101-67); among other purposes, this law identified the 21,000-acre Apex Industrial Site located outside the City of North Las Vegas. The 1989 law authorized the sale of BLM-managed lands within the site to Clark County upon their request with a reservation made for ROW corridors. The 1989 law also directed the conveyance of a 3,700-acre parcel of BLM-managed lands within the Apex site to Clark County known as the Kerr-McGee site. As part of this conveyance, the Secretary of the Interior was directed to grant ROWs to Clark County for the connection of existing electric power, water, natural gas, telephone, railroad, and highway facilities to the Kerr-McGee Site. From 1989 to 1999, a total of approximately 16,000-acres of BLM-managed lands within the Apex Industrial Site were conveyed to Clark County. The remaining 5,000-acres of BLM-managed lands within the site are reserved for ROW corridors.

H.R. 1504, Apex Area Technical Corrections Act

H.R. 1504 would amend Public Law 101-67 to require the Secretary of the Interior to issue utility and transportation related ROW grants for the Apex Industrial Site. The bill would also allow for the unlimited noncompetitive sale of sand and gravel resources from lands on which the United States has retained mineral rights within the Apex Industrial Site.

Rights-of-Way

Under the FLPMA, the BLM issues ROWs for a variety of uses that are in the public interest, such as supporting energy transmission from renewable and conventional sources, expanding broadband networks, encouraging economic development, and promoting public health and safety. A ROW grant authorizes rights and privileges for a specific use of the land for a specified period that is appropriate for the life of the project. FLPMA further requires the BLM to charge

rental fees that reflect the value of the uses authorized by the ROW. H.R. 1504 would amend the Nevada Land Transfer and Authorization Act of 1989 to include the Apex Industrial Park Owners Association and the City of North Las Vegas – in addition to Clark County – as parties to whom the Secretary is required to issue utility or transportation ROWs to access the Apex Industrial Site. The bill would amend the law by removing the discretion from the Secretary in the issuance of these ROW grants. The BLM supports the Sponsor’s goal of facilitating the expansion of public infrastructure for the City of North Las Vegas, which is in the public interest, but would like to work with the Sponsor to ensure that the Department retains discretion on the issuance of any future utility or transportation ROWs.

Federal Minerals

The Materials Act of 1947 removed “common varieties” of certain widespread minerals of common occurrence, such as sand and gravel, from disposal under the Mining Law, and instead made them subject to sale or permit. The BLM’s policy is to make these materials available to the public and local governmental agencies whenever possible and wherever environmentally acceptable. The BLM sells mineral materials to the public at fair market value and shares a portion of the revenues from their sale with the state from which the minerals are produced. States, counties, or other government entities are allowed to access and obtain mineral materials for public projects at no cost under Free Use Permits. H.R. 1504 would allow for the unlimited noncompetitive sale of any mineral materials generated from activities within the Apex Industrial Site. The BLM would like to work with the Sponsor to ensure the sale or use of any Federal minerals follow existing law and regulations.

Conclusion

Thank you again for the opportunity to provide this statement for the record on H.R. 1504.