

**STATEMENT OF  
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BEFORE THE  
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE,  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
HEARING ON  
S. 2378, CONVEYANCE OF CERTAIN PUBLIC LAND IN CLARK COUNTY, NEVADA, FOR USE AS A  
HELIPORT**

**September 29, 2004**

Mr. Chairman, thank you for the opportunity to appear before you today to testify on S. 2378, a bill that would convey 229 acres of public lands managed by the Bureau of Land Management (BLM) to Clark County, Nevada, for its use as a heliport. S. 2378 would also impose fees on operators for all helicopter flights that occur over the Sloan Canyon National Conservation Area (NCA) with the proceeds used for the management of cultural, wildlife, and wilderness resources on public lands in the State of Nevada. The Department supports the goals of S. 2378, but cannot support a conveyance of public lands that does not ensure a fair return to the public for the use of those lands.

The BLM recognizes the massive growth occurring in Clark County and understands the need to accommodate local interests and tourism in a way that balances local needs with important environmental considerations. Congress chose to address these concerns through the Southern Nevada Public Lands Management Act (SNPLMA) and subsequent amendments that have established a sale boundary within which BLM has worked to provide public lands to accommodate the growth in and around Las Vegas.

The public lands proposed for conveyance in S. 2378 consist of 229 acres that lie immediately west of the Sloan Canyon National Conservation Area, which includes the North McCullough Wilderness Area, and are bordered on the west by Interstate 15. These lands are adjacent to, but fall just outside of, the SNPLMA disposal boundary. The legislation directs the BLM to convey these lands to Clark County for no consideration subject to valid existing rights. The BLM, as a matter of both policy and practice, and in accordance with the Federal Land Policy and Management Act (FLPMA), generally requires receipt of fair market value for public lands transferred out of public ownership. This serves to ensure that taxpayers are fairly compensated for the removal of public lands from federal ownership.

Given the high market value of these lands, we strongly recommend that the bill be modified to require the receipt of a fair market value payment for the lands to be conveyed. Alternatively and absent legislation, the BLM could lease these lands to Clark County under the existing authority of Section 302 of FLPMA. Under this scenario, the Department would grant a lease to Clark County and would charge an annual rental that reflects the market value of the land.

S. 2378 also imposes a \$3 conservation fee for each passenger on a helicopter tour if any portion of the helicopter tour occurs over the Sloan Canyon National Conservation Area. The bill directs the Clark County Department of Aviation to collect these fees and deposit them in a special account in the United States Treasury to be used by the Secretary of the Interior for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada. The BLM supports the concept of this provision but recommends that the fees be adjusted for inflation and be deposited in SNPLMA's Special Account. This would preclude the BLM from having to establish another permanent operating fund with essentially the same function as SNPLMA's Special Account. It would also give the Secretary additional flexibilities, as provided for in SNPLMA, in addressing environmental needs in Nevada in addition to those defined in the bill.

While the Department defers to the Federal Aviation Administration (FAA) regarding safety and other airspace issues, we note that the FAA generally opposes legislative mandates for specific flight paths. The Department of the Interior also has concerns about the flight path identified in this legislation. The flight path as identified in the bill, and the anticipated frequency of flights, would greatly impact the very wilderness characteristics and visitor use values that the Congress sought to protect and preserve when it established the Sloan Canyon National Conservation Area and the North McCullough Wilderness Area in the Clark County Conservation of Public Land and Natural Resources Act of 2002. These areas contain sites frequently used by Native Americans and others for religious ceremonial purposes. They also provide important migration corridors and resting, breeding, and feeding grounds for desert bighorn sheep, which are a special status species in Nevada. Moreover, visitor solitude and quality recreation experiences would be diminished.

The Department of Justice advises that it has concerns regarding inconsistencies in the bill which we would like to work with the Committee to address.

Thank you for the opportunity to testify on this bill. We look forward to working with the Committee to resolve the issues discussed above and address the needs of local communities and critical environmental issues in the State of Nevada. I will be happy to answer any questions.