

Testimony of Ed Roberson
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Bureau of Land Management
U.S. Department of the Interior
Subcommittee on National Parks, Forests, & Public Lands
Committee on Natural Resources
U.S. House of Representatives
H.R. 409, Las Vegas Motor Speedway Expansion
March 3, 2009

Thank you for the opportunity to testify on H.R. 409, a bill which provides for the sale of approximately 115 acres of public land administered by the Bureau of Land Management (BLM) in Clark County, Nevada to the Nevada Speedway, LLC. While the Bureau does not oppose the conveyance of these lands out of Federal ownership for full fair market value, we would like an opportunity to work with the sponsor of the bill and the Committee to ensure that the conveyance results in the best possible return for the public and to resolve some other concerns with the bill.

Background

The Las Vegas Motor Speedway is a multiple track auto racing complex about 12 miles north of downtown Las Vegas. It hosts NASCAR and other popular racing events, bringing in as many as 100,000 racing fans for events. The current parking facilities are inadequate and for several years the Speedway has been looking for opportunities to expand parking.

H.R. 409

H.R. 409 would require the BLM to sell approximately 115 acres of public land adjacent to the Speedway to Nevada Speedway, LLC if it offers to pay fair market value as estimated by an appraisal. Furthermore, all costs associated with the conveyance would be paid by Nevada Speedway, LLC. The bill makes clear that the land conveyed can only be used for a parking lot for the Nevada Speedway and that any other use would cause the reversion of the lands to the Federal government. The 115 acres would be withdrawn from the public land, mining, and mineral leasing laws under the legislation. Finally, the bill directs that the proceeds from the sale be deposited in the Federal Land Deposit Account established under the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)), which allows the use of the fund for acquisition from willing sellers of environmentally-sensitive private inholdings within Federally-designated areas such as wilderness areas, National Parks, Forests, and Refuges.

We would like the Committee to be aware that the 115 acres of land to be sold under H.R. 409 have not been identified for disposal by the BLM through the agency's land use planning process. If they were so identified the BLM would have the authority to sell these lands at auction to the highest bidder. Such a sale might provide a higher return to the Federal taxpayer than may be realized under this bill.

The bill withdraws these 115 acres of public land from the mining, mineral materials, mineral leasing, and the public land laws. While this makes sense pending an acquisition (in order to avoid potential nuisance mining claims) the bill provides no sunset on the withdrawal. If this

legislation is enacted and Nevada Speedway LLC ultimately declined to purchase the lands or the lands were to revert to the United States under the bill, they would still be withdrawn. Therefore, the BLM recommends that the bill include a sunset on the withdrawal.

H.R. 409 stipulates that the lands transferred could be used only for parking lot purposes. However, the legislation also transfers all right, title and interest of the land. The BLM notes that valuable mineral materials exist on this site, and it is adjacent to a sand and gravel pit that is currently operating on public land. It is not clear whether Nevada Speedway LLC intends to sell the mineral materials that would be conveyed under H.R. 409. To ensure that the taxpayer is fully compensated for the full value of these lands, we believe the bill should clarify that if the sale of mineral materials does constitute a parking lot purpose an appraisal should fully take into account the high value of these mineral materials. We recommend that section 2(b) of the bill, which details the requirements for the appraisal of the lands, be amended to ensure that the lands be appraised at highest and best use in accordance with Federal land appraisal standards. The legislation should also include a deadline for the sale of the land to ensure that these lands do not remain in limbo in perpetuity.

Finally, we would like the opportunity to discuss the time frames and other technical issues in the legislation.

Thank you for the opportunity to testify, I would be happy to answer any questions.