

Statement for the Record
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on Parks, Forests, & Public Lands
H.R. 765, Nellis Dunes National Off-Highway Vehicle Recreation Area Act of 2009
November 5, 2009

Mr. Chairman and members of the Subcommittee, thank you for inviting the Bureau of Land Management (BLM) to testify on H.R. 765, the Nellis Dunes National Off-Highway Vehicle Recreation Area Act of 2009. H.R. 765 would establish an Off-Highway Vehicle National Recreation Area (OHV NRA) on public lands in Clark County, Nevada. The bill also would convey, without consideration, approximately 1,150 acres to Clark County to establish a County-managed OHV Recreation Park that would provide staging and support functions to facilitate public use of the OHV NRA. In addition, the bill would transfer administrative jurisdiction of a land parcel from BLM to the Department of the Air Force (Air Force) for use by Nellis Air Force Base.

OHV recreation is the current predominant use of the public lands addressed by H.R. 765. The BLM supports the goals of H.R. 765, but has specific concerns about the bill as introduced. The Bureau would like to work with the sponsor to ensure that the uses of the lands conveyed to Clark County are consistent with the Recreation and Public Purposes Act (R&PP Act), and that the mineral estate is reserved to the United States if the conveyed lands contain significant sand and gravel resources. The BLM would also like to work with the sponsor to clarify the boundaries of the conveyances to Clark County and Nellis Air Force Base and address additional technical concerns.

Background

The Nellis Dunes area is located just north of Las Vegas in Clark County. Interstate Highway 15 borders the area to the north, and Nellis Air Force Base borders it to the southwest. The area is characterized by extensive rolling sand dunes surrounded by a rocky and sparsely vegetated Mojave Desert landscape. The area's sand dunes, rolling and open terrain, and proximity to Las Vegas and a Interstate Highway 15, have long made Nellis Dunes a popular destination for OHV recreation. Since the 1960s, the area has served as a focal point for major OHV competitive events, such as the Mint 400 race. The popularity of Nellis Dunes for OHV recreation has increased along with the population of Las Vegas and southern Nevada. Today, the BLM permits several commercial events that traverse Nellis Dunes. The BLM also permits commercial OHV outfitters offering all-terrain vehicle and dune buggy rentals and guided rides. The area is highly valued and utilized by local and regional OHV clubs and individual recreationists. Overall, the BLM estimates that more than 100,000 people use Nellis Dunes annually for OHV-related recreation.

However, the BLM also manages the Nellis Dunes area and the surrounding public lands for resource values other than OHV recreation. Sensitive wildlife and plant species exist within the area. The desert tortoise, a Federally-listed species under the Endangered Species Act, is found in the Nellis Dunes area and throughout southern Nevada. While densities of the tortoise in the

Nellis Dunes area are generally low, relatively large populations are isolated in the area's eastern portion. The Las Vegas bearpoppy, a sensitive plant species of concern, is found, in low numbers, in remote pockets of the area. The Rainbow Gardens Area of Critical Environmental Concern (ACEC) is located immediately south of the Nellis Dunes area. The ACEC was established for the protection of geological, scientific, scenic, cultural, and sensitive plant values. The BLM actively manages OHV recreation in the Nellis Dunes area to protect these values. The Nellis Dunes area also contains several existing mining claims for clay materials, and commercially valuable sand and gravel deposits occur within in the central Nellis Dunes area.

The Nellis Dunes area also lies underneath Nellis Air Force Base's landing approach path. The BLM and the Nellis Air Force Base have a long history of working cooperatively to ensure that OHV recreation and other public land uses do not compromise the Air Force's safety or operational needs.

The issues addressed in H.R. 765 reflect a longstanding effort, led by Clark County, to recognize and enhance the unique OHV recreation opportunities available at Nellis Dunes while protecting the area's natural resource values and ensuring its continued and long-term compatibility with Nellis Air Force Base's operational needs. In 2006, Clark County initiated discussions with the BLM, Nellis Air Force Base, and stakeholders to formulate a proposal that would achieve these goals and increase and the parties' collective capacity to manage the special recreation and resource values of Nellis Dunes. While it is our understanding that H.R. 765 is intended to address the same issues as the collaborative proposal developed by Clark County, the BLM, Nellis Air Force Base, and other stakeholders, this proposal is very much a work in progress. The BLM's comments on H.R. 765 address the contents of the bill as introduced.

H.R. 765

H.R. 765 proposes to establish the "Nellis Dunes National Off-Highway Vehicle Recreation Area" on public lands in Clark County, Nevada. The bill does not identify the amount of land that would be designated as an OHV NRA, but the BLM understands from the sponsor that the proposed OHV NRA would include approximately 11,000 acres. The bill also would convey, without consideration, approximately 1,150 acres to Clark County to establish the "Clark County OHV Recreation Park" (OHV Park), and it would transfer administrative jurisdiction of a land parcel of unstated acreage to the Department of the Air Force.

The bill refers to a map, dated July 2008, which the BLM has not seen. The BLM's comments on the bill therefore reflect our general knowledge of the proposal and of the Nellis Dunes area. The sponsor recently asked the BLM to make a map related to H.R. 765 and that map is currently under preparation. The BLM would like to work with the sponsor to clarify the location of the OHV Park, the ultimate size of the OHV NRA, and the boundaries of the lands that would be administratively transferred to the Air Force.

The BLM supports the overall goals of H.R. 765, including the goal of designating the Nellis Dunes OHV NRA. Designating Nellis Dunes as an OHV NRA would support and enhance the BLM's ongoing management efforts to provide OHV recreation opportunities while protecting and sustaining the area's important resource values. The high level of recreation use at Nellis Dunes merits the management attention and focus that would result from this designation, particularly in conjunction with the bill's provision to establish the complementary OHV Park.

The conveyance of the approximately 1,150 acres to Clark County for the OHV Park would be at no cost. The OHV Park would provide commercial services to support competitive OHV recreation events as well as general public OHV recreation use of the Nellis Dunes NRA. It is our understanding that the OHV Park would also be used to provide OHV rider training and education and would promote responsible OHV recreation, including discouraging OHV use in environmentally-sensitive areas.

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. We note that 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 parks 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.

In general, the BLM supports conveyances if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyance includes a reversionary clause to enforce this requirement. It is not clear, however, if the commercial uses envisioned by the bill would be consistent with the R&PP Act. The BLM recommends that the legislation be amended to ensure the uses are clearly consistent with the R&PP Act.

Because some portions of the Nellis Dunes area contain potentially valuable sand and gravel deposits, the BLM recommends the conveyance of these areas be avoided or that, if conveyed, the mineral estate remains reserved to the United States.

H.R 765 would also transfer administrative jurisdiction of a land parcel to Nellis Air Force Base. The BLM understands that this transfer is intended to enhance the compatibility of the proposed OHV NRA with the safety and operational requirements of the Base. We support the intent of this provision, but would prefer the legislation add the land parcel to the Air Force's existing military withdrawal for Nellis Air Force Base so that the parcel is subject to the same military land use authorizations that are in the existing military withdrawal. The BLM would like to work with the sponsor to clarify the boundaries of the lands involved.

Because the Nellis Dunes area contains existing mining claims, the BLM recommends that the OHV NRA be withdrawn from future mineral entry under the General Mining Law, while recognizing valid existing rights. Withdrawing the OHV NRA from future mineral entry would reduce the potential for future conflicts with the area's recreation uses.

Conclusion

Thank you for the opportunity to testify on H.R. 765. The BLM supports the goals of the bill and applauds the efforts of the bill's sponsor, and of Clark County, to address public land recreation and resource management in a proactive, collaborative, and forward-thinking manner. We look forward to working with the sponsor and the Committee on this important legislation.