

# RED ROCK CANYON NATIONAL CONSERVATION AREA

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
NATIONAL PARKS, FORESTS AND PUBLIC LANDS  
OF THE  
COMMITTEE ON  
NATURAL RESOURCES  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS  
SECOND SESSION

ON

**H.R. 3050**

TO EXPAND THE BOUNDARIES OF THE  
RED ROCK CANYON NATIONAL CONSERVATION AREA

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HEARING HELD IN WASHINGTON, DC

MARCH 8, 1994

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**Serial No. 103-75**

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# CONTENTS

	Page
Hearing held: March 8, 1994 .....	1
Text of the bill: H.R. 3050 .....	2
Background information .....	4
Member statements:	
Hon. Bruce F. Vento .....	1
Hon. James V. Hansen .....	5
Witness statements:	
Michael Penfold, assistant director, Land and Renewable Resources, Bureau of Land Management, Department of the Interior, accompanied by David Wolf, manager, Red Rock Canyon National Conservation Area, and Chuck Ward, chief ranger, Red Rock Canyon National Conservation Area .....	5
Hon. James H. Bilbray, a Representative in Congress from the State of Nevada .....	14
Panel consisting of:	
Teri A. Knight, director of science and stewardship, The Nature Conservancy, Nevada Project Office of the Great Basin Field Office .....	40
Stan Peyton, representing the Toiyabe Chapter, Sierra Club .....	53
Norma Cox, Las Vegas League of Women Voters .....	57

## APPENDIX

March 8, 1994

Additional material submitted for the hearing record from:	
Hon. Richard H. Bryan, a Senator from the State of Nevada: Prepared statement .....	67
Stan Peyton, Toiyabe Chapter, Sierra Club: Supplement to testimony re H.R. 3050 .....	69



**H.R. 3050—EXPANDING THE BOUNDARIES OF  
THE RED ROCK CANYON NATIONAL CON-  
SERVATION AREA**

**TUESDAY, MARCH 8, 1994**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS,  
*Washington, DC.*

The subcommittee met at 10:08 a.m., pursuant to notice, in room 340 of the Cannon House Office Building, the Hon. Bruce F. Vento (chairman of the subcommittee) presiding.

**STATEMENT OF HON. BRUCE F. VENTO**

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order.

Today, as members have been notified, we are meeting to hear testimony, H.R. 3050, a bill by Congressman Jim Bilbray of Nevada that would expand the Red Rock Canyon National Conservation Area in the State of Nevada.

The bill would amend one section of the 1990 law that designated the National Conservation Area to reflect an enlarged acreage and to incorporate a new map depicting such boundaries. It would thus more than double the size of the existing National Conservation Area.

Since the bill would not make other changes in existing law, Federal lands that would be added to the National Conservation Area would be managed in the same manner as the Federal lands that are part of the existing Red Rock National Conservation Area.

[Text of the bill, H.R. 3050, and background information follow:]

103D CONGRESS  
1ST SESSION

# H. R. 3050

To expand the boundaries of the Red Rock Canyon National Conservation Area.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1993

Mr. BILBRAY introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To expand the boundaries of the Red Rock Canyon National Conservation Area.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BOUNDARY EXPANSION.**

4 Section 3(a)(2) of the Red Rock Canyon National  
5 Conservation Area Establishment Act of 1990 (16 U.S.C.  
6 460ccc-1(a)(2)) is amended to read as follows:

7       “(2) The conservation area shall consist of ap-  
8 proximately 176,500 acres as generally depicted on  
9 a map entitled ‘Red Rock Canyon National Con-

- 1 servation Area—Proposed Expansion<sup>1</sup>, numbered
- 2 NV-RRCNCA-002, and dated August 1993.”.

○

**BACKGROUND ON H.R. 3050,  
EXPANSION OF RED ROCK CANYON  
NATIONAL CONSERVATION AREA**

The Red Rock Canyon National Conservation Area ("NCA") was established in 1990 by enactment of Public Law 101-621. It encompasses about 83,100 acres, administered by the Bureau of Land Management, in Clark County, Nevada, on the western edge of metropolitan Las Vegas.

H.R. 3050 would amend P.L. 101-621 so as to expand the NCA by about 93,400 acres, to a total of 176,500 acres. The additions would include:

- about 13,000 acres south of the current NCA, including the home range of a wild horse herd;
- about 5,000 acres east of the existing NCA, toward Las Vegas; and
- about 75,000 acres north of the existing NCA, including lands in the Kyle and Lee Canyon areas with lower-elevation Mojave desert vegetation, including Joshua trees and recreational opportunities.

The bill would not amend any of the management provisions now applicable to the NCA. Thus, Federal lands added to the NCA, like the Federal lands now within the NCA boundaries, would be statutorily withdrawn from disposal, entry under the mining laws, and from mineral and geothermal leasing, and managed by BLM so as to conserve, protect, and enhance their geologic, archeological, ecological, cultural, scenic, scientific, wildlife, riparian, endangered species, wilderness, and recreation resources.

Mr. VENTO. The bill and the background materials are before Members. I might say that the subcommittee, the chairman at least and one member did visit the area during the January district work period and not only saw the Red Rock National Conservation Area but Spring Mountain and other park sites and learned about land use questions in and around the city of Las Vegas.

The BLM's role there is very significant in terms of the development and growth of the city of Las Vegas and in responding to the needs of the people of the greater Las Vegas, Nevada, area.

Congressman Bilbray is supposed to be on his way, and we'll try to hear from him in some sort of order here this morning, but we need to get started.

Congressman Hansen, did you have any opening comments?

#### STATEMENT OF HON. JAMES V. HANSEN

Mr. HANSEN. Thank you, Mr. Chairman.

I welcome our witnesses to this hearing on H.R. 3050. My staff has met with the BLM, and I am supportive of adding the acreage to the Red Rock Canyon NCA.

My understanding is the BLM has been careful to work with existing valid rights to ensure that the boundaries are based on cooperation. I hope this is true, and I would appreciate the witnesses discussing the involvement of private interests in this process.

Mr. Chairman, I look forward to the witnesses' statements to see if we can expeditiously move this legislation along.

Mr. VENTO. Thanks, Jim, for your presence and comments.

Congressman Bilbray and Senator Bryan have statements, and we'll put them in the record. Obviously Congressman Bilbray will probably give his message personally on this important issue.

But we need to proceed with the hearing, and I'm going to ask Mr. Michael Penfold, the assistant director of land and renewable resources from the Bureau of Land Management, accompanied by Mr. David Wolf, who is the manager of the Red Rock Canyon National Conservation Area, and thank him at the same time again for his cooperation during our recent visit to Red Rock.

Mr. Penfold, without objection, your statement and the statements of all witnesses this morning will be made part of the record in their entirety.

Hearing no objection, so ordered.

Please proceed with your statement, Mr. Penfold and feel free to yield to Mr. Wolf for his participation as you think it's appropriate.

#### STATEMENT OF MICHAEL PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DAVID WOLF, MANAGER, RED ROCK CANYON NATIONAL CONSERVATION AREA AND CHUCK WARD, CHIEF RANGER, RED ROCK CANYON NATIONAL CONSERVATION AREA

Mr. PENFOLD. Thank you, Mr. Chairman.

We're pleased to be here and we would be happy to summarize our statement. I'm glad that David Wolf could be with me. I will

ask him to brief you a little bit on what these boundaries look like on the map here.

Mr. VENTO. Let me just interrupt you for a minute.

Mr. Bilbray, why don't you join us on the dais up here, if your schedule is going to permit, now that we've begun with the first witness. We're happy to have you.

Mr. Penfold, please continue.

Mr. PENFOLD. We're very supportive of the bill and are pleased to testify in that direction this morning.

Mr. Chairman, we're particularly pleased that you took personal time to come visit the Red Rock area. It's a magnificent National Conservation Area and this additional land, which will take the area from 83,000 acres, or a little over that, to 176,500 acres is very much in the right direction. Mr. Wolf is going to discuss those boundaries with you here in just a moment.

There are a few amendments that we would suggest to the committee relative to this bill. There is a small occupancy trespass that has to do with the Old Nevada Recreational Town Resort that has been in existence for some time. A parking lot was inadvertently built across the BLM line, and we would like to see a land exchange take place there. The folks who run Old Nevada Recreation Town are in agreement with this idea. What we would do simply is transfer the land that is on the parking lot to the folks at Old Nevada Town Site and in exchange acquire some land that they own inside the National Conservation Area.

Another suggestion that we have is that we are working on a general management plan for the area which will be done by September 30 of this year. With the addition of this additional acreage we think it makes sense to have one comprehensive general management plan for the area and would like to see the requirement to have this plan completed extended to September 30, 1996. That will give us a chance to have public involvement on how these lands should be managed and have a comprehensive plan for the area.

We would request that an additional 880 acres of BLM lands that are already in BLM ownership be added to NCA expansion to provide protection for the Blue Diamond cholla, which is a Category 1 species of plant. It's a cactus, and I'll ask Mr. Wolf to point that out to you on the map and discuss that a little bit more.

We would also like to exclude a 4,000 acre parcel of land that is currently within the proposed expansion area of the NCA. We are preparing right now a plan which we call a State Line Resource Management Plan. This plan is out for public review and the proposed direction is to exclude this 4,000 acres and make it available for land exchange. We've had some proposals for land exchange and would like to be able to further consider this proposal in the State Line Plan. And if we conclude that it should be available for exchange for higher public value lands, we would like to be able to preserve that option.

With those summary remarks, let me introduce to you Mr. David Wolf, who is our manager for the National Conservation Area, and by the way, we have Mr. Chuck Ward, who is our chief ranger for the area who will be assisting Mr. Wolf.

[Prepared statement of Mr. Penfold follows:]

MAR - 8 1991

STATEMENT OF MIKE PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, COMMITTEE ON NATURAL RESOURCES, UNITED STATES HOUSE OF REPRESENTATIVES, ON H.R. 3050, A BILL "TO EXPAND THE BOUNDARIES OF THE RED ROCK CANYON NATIONAL CONSERVATION AREA."

I appreciate the opportunity to appear here today to present the Department's views on H.R. 3050.

The bill would amend Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 to expand the boundaries of the Red Rock Canyon National Conservation Area (which I will refer to as NCA) from 83,100 acres to 176,500 acres.

We strongly support the enactment of H.R. 3050, but recommend that the bill be amended to add several additional provisions.

The Red Rock Canyon area has been an important recreational area for southern Nevada for many years. Since the 1960's, the level of management and protection of the area has been increasing. In the past several years it has been segregated from general public lands to become Red Rock Canyon recreation lands, was partially designated as wilderness study areas, was expanded through land exchanges from 62,000 to over 83,000 acres, and was designated as an NCA in 1990. Developed facilities include the construction of a 13-mile Scenic Drive, visitor center, picnic areas, campground, and foot trail system.

Visitation has increased from 250,000 to nearly 1 million visitors in the last 8 years. Early visitor use was limited to auto touring, hiking, wildlife viewing, and limited technical rock climbing by local residents. Activities have expanded since the 1980's to include tour and mountain biking, equestrian use, increased commercial filming, four commercial bus tours per day, six permitted commercial rock-climbing operations, and an unprecedented increase in rock-climbing activities. It has become an international rock-climbing destination. At present, there are applications to begin commercial equestrian guiding services and commercial food catering services.

The lands that would be added to the Red Rock NCA by H.R. 3050 are the foothills of Mount Charleston, which represent the transition between the Mojave Desert and the Mount Charleston coniferous forests. This area includes important habitat for desert tortoises, bighorn sheep, and wild horses and burros. The proposed boundary adjustments would allow better joint management with the Forest Service's adjacent Spring Mountain National Recreation Area. Also, by resolving trespass and exchange issues, which I will be discussing, this bill would enable these valuable lands to be better managed and their resources protected for the public's use.

I will briefly discuss the amendments that we suggest be made to H.R. 3050 to facilitate the management of the NCA by the Bureau of Land Management (BLM):

- o Resolve an occupancy trespass by amending the bill to authorize an exchange of land administered by the BLM within the NCA for private land surrounded by the NCA.

For at least 30 years, the Old Nevada recreational town resort has used several acres of BLM lands for parking purposes without proper authorization. The BLM would like to resolve the situation by simply exchanging the BLM lands for some desert lands that the owner of the resort has never developed. The BLM would then be managing native desert lands rather than gravel parking lots.

Although the owner could move the parking lots to his private land, it would not make much sense or be in the public interest. The parking lots are well established and the land will never return to its natural state, so there is no reason why the Federal Government should retain it.

- o Extend from September 30, 1994, to September 30, 1996, the due date for the Red Rock General Management Plan so that

public comments can be requested on the management of the newly added lands, and so that the lands can be included in the current planning effort.

- o Include an additional 880 acres of BLM lands in the NCA expansion to provide protection for the Blue Diamond Cholla, which is a federally listed Category 1 candidate species. This cactus occurs only in the vicinity of Blue Diamond, Nevada, on lands managed by the BLM, both NCA and non-NCA, that lie between the NCA and the James Hardie Gypsum Mine. The Blue Diamond Cholla is listed in the Settlement Agreement of 1992 which mandates that the U.S. Fish and Wildlife Service list it as Threatened or Endangered Category 1 candidate species by 1996, unless management actions make it unnecessary to do so. The cactus is also listed as Critically Endangered by the State of Nevada and protected under the State's cactus and yucca law.

We have found from studies of the plant's known and potential locations that including an additional 880 acres of BLM lands in the NCA expansion would place the majority, if not all, known cholla habitat occurring on BLM lands within the protection of the NCA.

- o Exclude a 4,000-acre parcel of land that is currently within the proposed expanded NCA. It is an alluvial fan devoid of

any useful features, and management of the parcel as a part of the NCA would be difficult and costly. However, the land may be suitable for future disposal, and therefore the bill should be amended to exclude this parcel.

We will be happy to work with the Committee to draft appropriate language of amendment.

In summary, we believe H.R. 3050, amended as we suggest, will help ensure that the Red Rock area is protected for the future use and enjoyment of Las Vegas residents and public land visitors.

This concludes my prepared statement. I will be pleased to answer questions.

Mr. VENTO. Welcome, Mr. Wolf, and please proceed with your explanation. I guess we've got someone here who is going to point things out as you go through the narrative.

Mr. WOLF. So the map isn't too far away from you, and Chuck will point to the areas that I describe.

What I wanted to do is take a few minutes to go over some of the features and discuss the areas. We'll start with the large block of land which is north of the current NCA. Chuck will point out the current NCA, which lies about 15 miles directly west of the city of Las Vegas, and then west of that is the National Recreation Area managed by the Forest Service. It was just designated within the last year.

Mr. VENTO. We'll turn this around for others that are in attendance in a moment after we digest the points here. But I think it is important in looking at this to recognize that the Forest Service and other land management agencies have about a 370,000-some-acre National Recreation Area that this will enjoin. So the collective size of this will be something like 550,000 to 575,000 acres of land which will be contiguous Forest Service National Recreation Area and a National Conservation Area managed by the BLM. So it's over a half million acres of area that is devoted to recreation and conservation purposes similar, but not identical in terms of the land management.

Please proceed, Mr. Wolf.

Mr. WOLF. Thank you. The northern piece provides at the present time the main entry area into the Spring Mountain National Recreation Area and the Lee and Kyle Canyon areas. The northern part of it, shaded in green, was recognized quite a number of years ago for the botanic quality and variety in there and was designated as a natural environmental area. That would be included within this proposal. Part of it was already included because it went on to the Forest Service area also.

The area as well as the Lucky Strike and Kyle Canyons which are to the south provide a fairly unique area of biotic communities where the Mojave Desert typified by the Joshua trees and yucca grow up into and intermingle with the more mountain species of pinion and Joshua, and within that area we've got a mix of vegetation that actually normally does not occur because there is normally an elevational and precipitation separation that keeps those plants apart.

So within that area we have a unique situation of the biological community, and we also have an area that has very few roads and has not been very impacted by man to date that would be kept in that state.

The southern portion of it, the Kyle Canyon area south of the Kyle Canyon Highway is the northern slope of the La Madra Mountains. It would form a more manageable unit both from the BLM's standpoint and for public awareness of where the boundary is to have that included so that we don't have people coming across the mountain who don't realize they're getting in a National Conservation Area where some of the management is different from other BLM lands.

To the east of the current NCA is a block of 5,000 acres that would be added. This is a piece of ground that lies between the to-

be-developed subdivisions that are private in Las Vegas and the current NCA boundary. It's BLM land, but its management as part of the NCA with our common boundary with the future Summerlin development would enhance both our development and their future development. It provides a really unique area for horseback riding, hiking and mountain biking on the old roads that come through there.

And the southern piece on the southeast corner of the NCA, which also locks into the NRA, provides important habitat for wild horses, bighorn sheep and some desert tortoise that occur in the eastern edge of it. It would in essence include both sides of the Bird Springs Range which are now included on only one side.

Mr. VENTO. I think it would be important for the members of the committee to point out the areas where you testified to amendments.

The first was on the parking lot which is all gravel and which you're talking about a land trade with.

Mr. PENFOLD. It's a very small area. Chuck will point to the area, but you can't see it.

Mr. VENTO. But it's in the existing NCA what he's pointing to?

Mr. PENFOLD. Yes, it's completely surrounded by the existing NCA.

Mr. VENTO. So that is a private inholding in the BLM area?

Mr. PENFOLD. Correct.

Mr. VENTO. So you will trade it for another inholding?

Mr. PENFOLD. The owner of that has undeveloped lands right next to it and we can trade within a few hundred feet of each other.

Mr. VENTO. So there is an inholding situation within the current NCA.

Mr. PENFOLD. Yes.

Mr. VENTO. This will not resolve it, but it will provide for a more compatible use of BLM lands.

Mr. PENFOLD. Yes.

Mr. VENTO. And the 800-acre area for the Blue Diamond cholla is right in here, and he's pointing it out.

Mr. PENFOLD. I added that area onto the Congressman's original map for illustrative purposes, and I have a larger map if you need it.

To answer Mr. Hansen's question on current existing rights, especially in that area, there are four mill site claims that are owned by the James Hardie Gypsum Corporation which that area lies next to. It's part of 17 mineral site claims that James Hardie has. Thirteen of them are National Conservation Area as the earlier legislation included them. These four additional claims would come into the National Conservation Area.

Mr. VENTO. We'll get to questions in a minute, but first I just want to get oriented.

What about the 4,000 acres that Del Webb is interested in? He's pointing to that site now, which is the eastern-most portion of BLM land that Congressman Bilbray has added to his BLM NCA expansion bill.

Are there further map references that we want to identify?

Mr. WOLF. I think we've covered what we need to, other than questions.

Mr. VENTO. Congressman Bilbray, did you have any map questions?

Mr. BILBRAY. No.

Mr. VENTO. Mr. Hansen, did you have any map questions at this point?

Mr. HANSEN. No, but I may have some questions on the 4,000 acres.

Mr. VENTO. Well I understand on the 4,000 acres we all have questions in the regular process. I just wanted to be able to turn the map around, because we have a large number of individuals that are visiting, so we can make certain that they have a chance to view it to see what is being proposed. We can always turn it around if we need it again.

This concludes your statement, Mr. Penfold and Mr. Wolf?

Mr. PENFOLD. Yes, sir.

Mr. WOLF. Yes, sir.

Mr. VENTO. In terms of continuity and in responding to our colleague's presence, and I don't know what his schedule is, but let me invite him to at this time make a statement for the record.

Congressman Bilbray.

**STATEMENT OF HON. JAMES H. BILBRAY, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEVADA**

Mr. BILBRAY. Thank you, Mr. Chairman.

As your schedule is and all of us, it's crazy today with one testimony after another, but this is most important bill to me and a most important piece of legislation for my congressional district.

First, I would like to thank the committee for hearing this testimony. I realize that this is one of the busiest subcommittees in Congress, and I appreciate your interest. I also thank you for coming out to Southern Nevada and viewing the Red Rock area, and as you well know, this is a really unique area in the Southwest. I think it's one of the most beautiful areas in the United States and certainly one that we need to protect.

H.R. 3050 would expand the boundaries of the Red Rock NCA to include an additional 93,000 acres, as has been stated by BLM. It includes 75,000 acres to the north of the current conservation area, which will provide for increased protection for a magnificent Joshua tree forest as well as important habitat for the threatened desert tortoise.

The northern addition also includes numerous illegal dump sites, and what I would like to do is have one of my staff show you some of the pictures of what's going on out there.

If you'll look at these areas. These are some of the areas of dumping that are going on out there. This would give the BLM additional powers to have additional personnel to enforce this to help clean it up. It has just become an area that they figure is desert, so we might as well dump out there, it's good for nothing else. This is not true. This is a very unique and beautiful area.

It also is a buffer zone for the National Recreation Area and the remaining conservation area from the rapid residential and commercial development in Las Vegas Valley, and for my colleagues in

the area there is still plenty of land for development out there. There is plenty of BLM land that lies through this valley. We certainly have enough land, even after removing this, to handle a population of 2 million to 2.5 million, which is estimated that we may hit by the year 2020 or 2530 when we surpass Utah with population and more congressmen. [Laughter.]

Mr. VENTO. This is getting to be the inland West competition here.

Mr. BILBRAY. But we're a more democratic State so it's very helpful to the Majority here. [Laughter.]

The addition of 5,000 acres to the east of Red Rock will allow for coordinate management between the conservation area and the Summerlin master-planned community. The addition of 13,000 acres to the south of Red Rock will allow the BLM to manage wild horse and burro population in the area more effectively. It also provides a good boundary with the Spring Mountain National Recreation Area.

The tremendous growth in the Las Vegas Valley has placed an increasingly heavy burden on the ecological, cultural and wildlife resources in the conservation area. This year alone 1 million people are expected to visit the Red Rock area. As you can imagine, balancing the recreational desires of over 1 million people with a congressional mandate to conserve, protect and enhance the natural resources of Red Rock presents the BLM with a difficult challenge.

It is this challenge that the BLM must face, however, and I expect the BLM to listen to the concerns the overwhelming number of southern Nevadans, and especially those of the Red Rock volunteers, as the general management plan is developed for the conversation area. The public's participation and meaningful involvement in the planning process is essential to the creation of a viable management plan.

I would like to point out that almost all the groups came together to support this. I think the only controversial issue in this entire bill is going to be that 4,000 acres.

As you are aware, BLM has expressed the fact that they are supportive of removing the 4,000 acres. The developer, which is the Del Webb Corporation out of Arizona, is also of course desirous to make this exchange. But at the same time we also have the different environmental groups which will testify here shortly that I think are adamant that it be included in the Red Rock recreation area.

It's going to be one that this committee is going to have to exercise the wisdom of Solomon to decide whether or not the baby can be cut successfully and still kept alive.

I'm not willing to fall on my sword over this 4,000 acres. This is an important bill to me, and I certainly support the bill as it has been introduced with the proposed amendments, not supporting the removal of the 4,000, but I will let the committee make your judgment on that 4,000.

I think you should hear the testimony of those that have traveled out from Las Vegas to testify along with the BLM representatives. Ms. Teri Knight of The Nature Conservancy, Stan Peyton of the Sierra Club and Norma Cox of the League of Women Voters have made the trip out here to testify to you, and I believe will show

support that the present Red Rock bill be passed in its entirety. At that time you as this committee will have to make that choice whether it's included in this area or not.

A companion bill will be introduced shortly in the Senate by Senators Bryan and Reed as to this area. From what I understand in talking to them, they're waiting to see what your boundary lines are before they introduce their bills. So they are going to weigh the decision heavily on what you're going to do over here.

I appreciate the time I've had here today, but I can just tell you that when I travel southern Nevada and talk to people, there is no bigger issue for them right now than the protection of this area.

I walk up to get my airplane ticket, and the ticket agent says to me, Congressman, can I talk to you about something. I figure they're going to talk about their Social Security or they're going to talk about health care, and they say, I really appreciate what you're doing for Red Rock, this is important and we want to protect it.

I walk down the way and a porter cleaning up stops me and talks about Red Rock. So I can tell you right now this issue is one that is overwhelming, and when I say overwhelming, over 80 percent of the people of Southern Nevada support this proposal, 10 percent probably are against it, and the other 10 percent just don't know about it. So it is one that we feel strongly about.

I was born in this area, I climbed these mountains as a Boy Scout, I camped in this area as a Boy Scout and it's an area that I hope future generations will have to keep and protect because we don't want to come out and see what has happened in southern California where they've built right up into these canyons and built on these mountainsides and developed them. We want to see it open for hikers and campers and off-road vehicle people, and we have a coalition.

I mean I don't know of any single group that is opposing this particular proposal, and this includes the hunters and the fishermen and everyone. So we feel very strongly that this is a good bill and we appreciate the committee and the staff for coming out and looking at it over the last break.

So thank you again. I will submit the rest of my statement, and hopefully you'll pass this very quickly.

[Prepared statement of Mr. Bilbray follows:]

STATEMENT OF THE HONORABLE JAMES H. BILBRAY  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS  
OF THE COMMITTEE ON NATURAL RESOURCES  
REGARDING H.R. 3050, A BILL TO EXPAND THE BOUNDARIES  
OF THE RED ROCK CANYON NATIONAL CONSERVATION AREA

March 8, 1994

Mr. Chairman, I would first like to thank you and the rest of the subcommittee for scheduling today's hearing so promptly. I realize this is one of the busiest subcommittees in Congress, and I truly appreciate your interest in my legislation.

As you know from your recent trip to southern Nevada, Mr. Chairman, Red Rock Canyon is truly one of the gems of the Southwest. Several years ago, the Congress and the President agreed that the natural, cultural, and recreational resources of Red Rock were deserving of added protection, so we established the Red Rock Canyon National Conservation Area. Today, we are considering legislation that would finish the job we started several years ago.

H.R. 3050 would expand the boundaries of the Red Rock NCA to include an additional 93,000 acres of BLM land. The largest addition, which includes 75,000 acres to the north of the current Conservation area, would provide for increased protection of a magnificent Joshua Tree forest, as well as important habitat for the threatened desert tortoise. The northern addition also includes numerous illegal dump sites, such as the one in this photo, which are the product of rapid residential and commercial development in the Las Vegas valley. With heightened protection for this area, the BLM will be in a better position to crack down

on illegal dumping and to preserve the natural beauty of the desert ecosystem that serves as the gateway to the Spring Mountain National Recreation Area.

The addition of 5,000 acres to east of Red Rock will allow for coordinated management between the Conservation area and the Summerlin master-planned community. The addition of 13,000 acres to the south of Red Rock will allow the BLM to manage the wild horse and burro population in the area more effectively; it also provides a sensible boundary with the Spring Mountain National Recreation Area.

The tremendous growth in the Las Vegas valley has placed an increasingly heavy burden on the ecological, cultural, and wildlife resources in the Conservation area. This year alone over one million people are expected to visit Red Rock. As you can imagine, balancing the recreational desires of over one million people with the congressional mandate to conserve, protect, and enhance the natural resources of Red Rock presents the BLM with a difficult challenge. It is a challenge that the BLM must face, however, and I expect the BLM to listen to the concerns of the overwhelming number of southern Nevadans, and especially those of the Red Rock volunteers, as the General Management Plan is developed for the Conservation area. The public's participation and meaningful involvement in the planning process is essential to the creation of a viable management plan.

I also would like to make some observations regarding the overall direction and philosophy of the management plan. As the original sponsor of the legislation establishing the Conservation

area, I can assure you that it was my intent to place an emphasis on conserving the natural resources in Red Rock for future generations to enjoy. The focus on natural resource protection is what distinguishes the Red Rock NCA legislation from the 1976 management plan. Consequently, it is within the context of minimizing the impact on the Conservation area's natural and cultural resources that I feel the recreational opportunities for visitors should be developed.

Mr. Chairman, I have letters from a number of conservation groups in southern Nevada, as well as a resolution passed by the Clark County Commission, all of which support H.R. 3050, that I would like to submit for the record. I'd also like to take this opportunity to thank Dave Wolf of the BLM, Teri Knight of the Nature Conservancy, Stan Payton of the Sierra Club, and Norma Cox of the League of Women Voters for making the trip from Las Vegas to testify before the Subcommittee.

Once again, I'd like to thank you, Mr. Chairman, for moving this legislation forward. I'd be happy to answer any questions that you may have at this time.

Mr. VENTO. I thank the gentleman for his comments, and his statement will be made part of the record in its entirety as well as his oral remarks.

Let's turn then to the questioning. I have really no questions of you, Jim.

Congressman Hansen do you have questions of our colleague?

Mr. HANSEN. No questions for our colleague.

Mr. VENTO. Without objection, he may sit with the committee for the purpose of questioning.

Mr. BILBRAY. Mr. Chairman, I would like at this time to submit for the record several resolutions, including the Clark County Commission's, and letters from the Water District and other groups, the League of Women Voters and so forth in support of this bill.

Mr. VENTO. Hearing no objection, so ordered. They will be added to the record.

[The information follows:]

March 3, 1994

Honorable James Bilbray  
House Office Building  
Washington, D.C. 20515-2801

Dear Congressman Bilbray:

This letter is in support of your efforts and H.R. 3050 to expand the boundaries of the Red Rock National Conservation Area. A number of groups and individuals are represented by this letter. We may be described as bicyclists, hikers, photographers, wildlife and nature enthusiasts, and "just plain city folk". We are extremely proud in the leadership that you have exhibited on this issue. Some of us remember your pledge, on the day of the dedication for the National Conservation Area, to expand the boundaries. You were able to recognize then that it would not be long before the rapidly expanding Las Vegas metropolitan area would be at the doorstep of this unique area. The time is at hand to ensure that your vision of an expanded Red Rock National Conservation Area becomes a reality before it becomes too late to protect the core values of this natural area.

We are concerned that the core areas of the Bureau of Land Management's Red Rock National Conservation Area and U.S. Forest Service's Spring Mountain National Recreation Area would become increasingly impacted by greater numbers of visitors and by development that will eventually lie on the present perimeter of these areas. It would be sad to stand at key vantage points in these areas and witness development right up to the section lines that designate these areas. It would be sad to witness street lights, block walls, and commercial and residential development where the eye and mind are left today to imagine the old West, the old Nevada. Legal access to many areas could be restricted, or inhibited by private property on the border of the areas. Unpermitted activities within these national areas, such as illegal dumping, shooting, and motor vehicle use, would increase as development closes in on the areas. Additional problems would be created for the agencies that are charged with the protection of these areas if development is allowed to the edge of the present boundaries. Additional recreational opportunities for an expanding metropolitan area would be lost. Natural areas, where desert tortoises, desert wildflowers, and other desert species presently inhabit, would be lost to development. We are not opposed to development within the Las Vegas valley, but the development must be carefully restricted and regulated as it approaches those core areas that we have tried to preserve over the years.

Let us examine, briefly, a few of the increased opportunities that would be provided to the public if H.R. 3050 were enacted into law. Recreational use of lands within the present Spring Mountain and Red Rock areas could be spread out. A growing population in southern Nevada is bringing increased pressures for areas where families can go mountain biking. Some of the lands in H.R. 3050 would be suitable for this sport. Where people used to ride horses in the Las Vegas valley, there are now houses and shopping centers. Some of the lands in H.R. 3050 would be well suited for horseback riding. The lands along the Kyle

Canyon road have been proposed as an area of critical environmental concern (ACEC) because of the Joshua tree forest. Some of this habitat would be protected in H.R. 3050. Areas where sand and gravel operations have been a nuisance and eyesore to local residents would come into the National Conservation Area, and these areas would be off limits to this type of activity. Local flora, fauna, and scenic vistas would be protected.

We support the boundaries on the map that you submitted with your bill. We recognize that there are some who wish to obtain those public lands for their own benefit and profit. There are developers who would like to build homes on the high ground so that their inhabitants can look down on the city. Consider, however, all of those people in the city that look up to Red Rock and the Spring Mountain range for their beauty and as a source of inspiration. We believe their views should be considered. We believe that a greater good would be served by retaining those lands in Federal ownership and providing greater protection to those lands. Some of the land in your bill can serve as gateways to the Spring Mountain and Red Rock backcountry. Much of the area can be described as alluvial plains. If those areas were developed, recharge of our groundwater aquifer in the valley would be further inhibited and floodwaters coming off the developed land would pose additional problems for down-slope residents and citizens. If those areas were developed, there would be pressures for major highways and water reservoirs to be placed along the edge of these national, natural resource areas. We urge that you do not allow the present boundaries in your map to be significantly altered as this legislation moves forward.

We cannot rest on our laurels and say that the recent enactment of the Red Rock National Conservation Area and the Spring Mountain National Recreation Area will be all that is ever necessary to protect these areas as we know them today. We have made mistakes in protecting many natural areas in this country by designating, at the time, areas that were too small and boundaries that were inappropriate for the task of protecting the areas and the core values. We must not let that happen again, here. We urge you to hold fast and work as hard as you can to see that H.R. 3050 becomes law this year.

The Spring Mountains Association  
by *Art W. Mark* President

RED ROCK AUDUBON SOCIETY  
By *John E. Hirsch*

*Grand Staircase, V.P.,  
League of Women Voters of Nev.,  
League of Citizen Alert  
J. J. Lyndebachman & Citizen Alert  
Ed. [unclear]*

LAS VEGAS VALLEY BICYCLE CLUB

LAS VEGAS VALLEY  
LEAGUE OF WOMEN  
VOTERS of *John Cox*  
ENVIRONMENTAL CLUB

Torjude Chapter of the  
Sierra Club - *Jeff van Ee*

*Howard Booth* - activist  
for Red Rock

*Jim Rathbone*  
Friends of Red Rock Canyon



**STATEMENT OF SENATOR BRYAN REGARDING  
THE EXPANSION OF THE RED ROCK CANYON  
NATIONAL CONSERVATION AREA**

March 8, 1994

Mr. Chairman, I appreciate your leadership and commitment to expediting this hearing on the expansion of the Red Rock Canyon National Conservation Area (H.R. 3050). I understand both you and your staff recently visited this area to see for yourselves how important this area is to southern Nevada. The importance of protecting this area as soon as possible must have hit home with you, as evidenced by your scheduling a hearing so expeditiously. For this, you have the gratitude of all those involved in this effort.

I would also like to thank my colleague, Congressman Jim Bilbray, for his lifelong commitment to preserving the environment of Nevada for present and future generations of Nevadans.

I share the desire to see Nevada's environment protected, and especially that of the Red Rock Canyon area, as I also grew up in southern Nevada and enjoyed this area immensely, along with my family. I am committed to working with Nevada's Congressional delegation, environmentalists and others to protect this fragile ecosystem that exists in southern Nevada.

By way of historical perspective, the Red Rock Canyon National Conservation Area was established in 1990 through the efforts of Congressman Bilbray, Senator Reid and myself. Our original legislation currently protects some 83,000 acres of land in and around the Las Vegas Valley. Even before the original legislation designating this area as a National Conservation Area was signed into law, we set our sights on the larger picture of protecting as much of this beautiful area as possible.

Your hearing today is a welcome signal to all involved in the effort to protect the Red Rock Canyon, as it sends a message to the folks back home that our goal of achieving Congressional recognition for this area is near fruition.

The bill before you today, H.R. 3050, adds vitally needed protection to an area rich in ecological and cultural heritage. Red Rock Canyon wildlife includes the desert tortoise, which is currently listed as a threatened species, desert bighorn sheep, wild horses and burros, and a host of many more animal and biological species. Varieties of plant species found nowhere else in the area are also included in this area.

While valid existing mining claims will be maintained, no new mining claims will be permitted. My office has been informed

by the Nevada Mining Association that they have no opposition to the legislation before you. I believe that speaks volumes about Congressman Bilbray's efforts to see that diverse interests were taken into account when he put this legislation together. Additionally, there will be no restrictions on hunting or hiking; however, off-road vehicle use will be limited to designated roads under a Bureau of Land Management (BLM) policy designed to cut down on dust air pollution in the Las Vegas Valley.

The protection of the Red Rock area has been part of an overall desire to see southern Nevada's environment protected both for a burgeoning population's use and enjoyment, and unfortunately, in some instances from abuse. By designating this area as a National Conservation Area, greater BLM resources can be dedicated to the conservation and management of the resources. Enhancement of public recreation opportunities that this unique area offers for the citizens of the nearby Las Vegas urban area is also important to remember, especially when you consider the area's population is rapidly nearing the one million mark. Recently, traffic jams have been so bad in the Red Rock Loop area that the BLM has been forced to propose interim corrective measures pending completion of a general management plan.

Today's legislation also adds importantly to an earlier effort on the part of the Nevada delegation to protect southern Nevada's environment. In 1992, we were able to designate the Spring Mountain's National Recreation Area, which now lists approximately 316,000 acres of the Toiyabe National Forest as a National Recreation Area.

The Spring Mountain range is a unique natural resource located about 35 miles west of Las Vegas, Nevada. When you couple the legislation before you today with existing Red Rock National Conservation Area and the Spring Mountains legislation, you get an environmental partnership that is a win-win situation for not only those in Southern Nevada concerned about the environment in which they live, but for the entire state of Nevada and country as well.

This legislation has great merit, and I urge rapid adoption. Thank you, Chairman Vento, for your efforts and that of your staff in processing this bill which is important to Nevada's citizens, and will be of even greater importance to the generations of Nevadans yet to come.

**RESOLUTION  
OF THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS  
TO SUPPORT THE EXPANSION OF THE  
RED ROCK CANYON NATIONAL CONSERVATION AREA**

**WHEREAS, the Red Rock Canyon National Conservation Area is a unique and diverse natural environment of national importance; and**

**WHEREAS, lands within Red Rock Canyon National Conservation Area have unique scenic, cultural, biological, geological and archaeological features; and**

**WHEREAS, the Red Rock Canyon National Conservation Area is an important natural, historical and recreational resource which provides recreational opportunities for tourists as well as residents; and**

**WHEREAS, the growing southern Nevada population places a growing demand for recreational, educational and scientific use of this resource; and**

**WHEREAS, expansion of the boundaries of Red Rock Canyon National Conservation Area would preserve the foothills of the Spring Mountain range and provide greater protection to this valuable national resource.**

**NOW, THEREFORE, BE IT RESOLVED that the Clark County Board of County Commissioners does support the expansion of the boundaries of the Red Rock Canyon National Conservation Area as shown on the attached map, dated August 1993;**

**AND BE IT FURTHER RESOLVED that the Clark County Board of County Commissioners supports only those exchanges of lands from within the Conservation Area which will not create a significant need for new water resources or for delivery of new urban services by local governments;**

**AND BE IT FURTHER RESOLVED that the Clark County Board of County Commissioners forwards its recommendation to the Nevada delegation of the United States Congress to initiate and support legislation to expand the boundaries of the Red Rock Canyon National Conservation Area during the 1994 Congressional Session.**

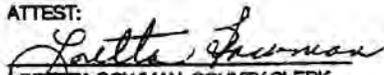
PASSED, ADOPTED AND APPROVED, this 19th day of October 1993.

CLARK COUNTY BOARD OF COMMISSIONERS



JAY BINGHAM, CHAIRMAN

ATTEST:



LORETTA BOWMAN, COUNTY CLERK

RWG:bh  
RPT090



March 7, 1994

Honorable Jim Bilbray  
House Office Building  
Washington, D.C. 20515-2801

FAX-LETTER

Dear Congressman Bilbray:

This letter is in support of H.R. 3050 and your efforts to expand the boundaries of the Red Rock Conservation Area.

As you are aware, The Las Vegas valley is the fastest growing area in America. This incredible development, while welcome to our economy, is placing unbelievable stress on the very quality of life that attracts such growth...Our scenic view and watersheds. Development can and should occur within the Las Vegas Valley, but only within local governments ability to provide infrastructure without breaking the backs of local taxpayers. Developers are looking further afield to find large blocks of inexpensive land where they can speculate without providing necessary infrastructure.

This is why it is so important to provide a level of protection for all those who live or visit here, the protection of those foothills and mountains which surround our unique valley. In addition to protection from development, your bill will also provide protection for wildlife and rare or endangered species.

Additional recreational opportunities are urgently needed, particularly for youth and seniors. The Red Rock Conservation as well as the Spring Mountains National Recreation Areas suffer from gridlock as almost 1 million residents and 20 million visitors rush to enjoy these unique areas year-around. H.R. 3050 will provide the opportunity to expand long-term recreational opportunities for our growing population.

Thank you again Congressman Bilbray for taking the lead in preserving the beauty of Southern Nevada for our pleasure and for our grandchildren. I'm sure you'll look back with great pleasure and know that your accomplishments have benefitted untold future generations.

H.R. 3050 is a good bill, I urge you to hold fast and work hard to see that H.R. 3050 becomes law this year.

Sincerely

  
Lois Segel

*League of Women Voters of Las Vegas Valley*

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2031A Chertney Dr.  
Las Vegas, NV 89108  
631-4998

March 1, 1994

Congressman James Bilbray  
2431 Rayburn HOR  
Washington, DC 20515

Dear Congressman Bilbray:

The League of Women Voters of Las Vegas Valley would like to let you know of our support for your bill for the expansion of the Red Rock Canyon National Conservation Area. We congratulate you for recognizing the need to protect the State's natural resources. So many have concentrated on the tremendous growth in Southern Nevada without taking the time to assess the impact on areas such as Red Rock and the Spring Mountain National Recreation Area. It is important that we take steps to protect these valuable resources before it is too late.

The expansion of Red Rock will offer the following:

1. Protection of wildlife habitat for both areas.
2. Minimize viewshed damage to users of the two areas. They will be able to quietly enjoy the beauties of the natural environment without the intrusion of lights and noise from nearby developments.
3. Protection of the watershed for both areas. The State Engineer has targeted Kyle Canyon, Tule Springs, Calico Basin and all of the Spring Mt. Range area as having inadequate ground water and is not permitting parcelling of private properties in these areas. The draw down of ground water, if not reversed, will impact wildlife habitat and vegetation in natural areas.

Sincerely yours,

*Dot Gatton*  
Dot Gatton  
President

March 7, 1994

Honorable Bruce Vento  
Chairman  
Subcommittee on National Parks,  
Forests and Public Lands  
H1-812 O'Neill, HOB  
Washington, DC 20512

RE: HR-3050

I would like to voice my support for the expansion of The Red Rock National Conservation Area.

Usually the desert is a picture of shades of grays and browns, only seldom broken by splashes of vivid colors, such as the red rocks west of Las Vegas, Nevada.

You are now being asked to expand the boundaries of this Conservation Area and some would ask why, the rocks don't move, they are already protected.

There is much more to the desert than rocks although that is usually what people notice.

When the rains come at just the right time and the temperatures are just right the desert wakes up and displays its panorama of colorful flowers. A truly rare sight that few people have the opportunity to view because of the remoteness of the desert and the rapid wilting of the flowers. Yet only minutes from our city exists such a place, it is worthy of protection. The sight of red rocks framed by splashes of colorful flowers is a memory that can be held for a lifetime. I don't know how many rare, threatened or endangered plants or animals are out there, and I'm sure others will tell you, all I know is it can be one of the most beautiful sights on the planet. All the more so because of how rare it is for all the necessary ingredients to come together, especially being at the right place at the right time

It is a really neat and spectacular sight and I hope you will protect it.

Very truly yours,

  
Carl Volkmar

Mr. VENTO. Mr. Penfold and Mr. Wolf, I think we're going to need to have a definitive list of the amount of inholdings in the proposed area, the 93,000 acres that are proposed to be added.

You I think have highlighted, if I'm not mistaken, and I understand Congressman Hansen is going to question you about the claims. Are they gypsum claims? I noticed that some of the dumping problems here are also gypsum wallboard. So maybe they claim they're just returning this to its natural state. [Laughter.]

Mr. PENFOLD. We don't buy that argument, Mr. Chairman.

Mr. VENTO. If we could get your contractors to take a little less out and use a little better what gypsum board they use for wallboard for dry wall we would be all right here, but unfortunately, it looked a lot better in its natural state than in its revised state of gypsum board recycling. In any case, that's what the dumping looked like to me; it looked like concrete pieces.

Mr. BILBRAY. Mr. Chairman.

Mr. VENTO. I would be happy to yield to the gentleman.

Mr. BILBRAY. I'm just hoping that down the line this committee looks at increasing the penalties for dumping in the desert in these areas because the penalties are so slight. Maybe Mr. Penfold can tell us, what is it, like a \$500 maximum or something like this?

Mr. PENFOLD. This is Mr. Chuck Ward, our chief ranger.

Mr. WARD. The current penalties under title XIII, CFR, are a year in jail or a \$100,000 fine. Our major problem is the magistrates are very hesitant to inflict those kinds of penalties for a violation of dumping.

Mr. BILBRAY. That's a strong enough penalty, I gather that. I was told it was like \$500 when I was out there last time.

Mr. VENTO. Well, just to interject, we had actually in the BLM authorization bill increased the penalty, but it didn't seem to me that it was nearly as dramatic as that. I mean you're talking about a different type of violation than what I think we were anticipating, but there is a need, I think, a recognition at least on the individual ad hoc dumping. I mean it is a problem all the way around Las Vegas.

In fact it's one of the issues the counties are in town for this week. The States have attempted to put in place provisions for requiring certain costs for dumping materials at sites that are organized where they do the recycling and so forth, and now we've found that States are bidding against one another. South Dakota wants Minnesota's waste, and I can't quite believe it, but they're doing it for a lot smaller tipping fee. So we're going to be faced with some interstate questions here.

Obviously the BLM problem is unique because all the lands in and around Las Vegas, as an example, or most of them, are BLM or Forest Service lands. So this dumping is really having a tragic impact in terms of the impression and in terms of the aesthetic and all the health problems that go with it.

So it is an important point I think that Congressman Bilbray is underlining. It isn't just in this particular area around Las Vegas, but it's occurring all over the West, and I'm sure that most of my colleagues that live in these areas would like to see it rectified. Part of it is simply a need for adequate personnel in terms of the

policing, and also changing attitudes and education would be another important part.

What we need to do is get a definitive description. Are there any other significant inholdings, for instance, in this area that we need to talk about, Mr. Wolf?

Mr. WOLF. There are only three inholdings in the entire proposal. Two are owned by Mr. Volkmar and they are in that small eastern piece that Chuck pointed to, and one is a piece that is owned by Mr. Williams, and it's just south of Kyle Canyon Road.

Mr. VENTO. Those deal with the actual surface occupancy ownership?

Mr. WOLF. Yes. All three pieces are patented gypsum mining claims on which there is no current mining.

Mr. VENTO. Are there other unpatented types of claims that are outstanding?

Mr. WOLF. There are 229 unpatented claims within the entire area, the vast majority of them being 177 mill site claims that are in Kyle Canyon that are associated with Mr. Williams' private land that was known as the White Beauty claims. There is no mining currently, and were he to trade those private lands to the Bureau of Land Management possibly the mill site claims would then cease to exist.

Mr. VENTO. So you think the resolution of this may well be attached to other interests that Mr. Williams has with regards to the Kyle Canyon mill site claims. So the resolution of the issue of the patented claims, we would probably be able to then fold in as an agreement extinguishing the other claims that exist in Kyle Canyon, or at 179 of them which would still leave you with currently about 50 claims outstanding or so.

Mr. WOLF. We would expect that.

Mr. VENTO. If it's a problem today they're going to be a problem tomorrow, but do they in your view represent a serious hindrance in terms of the establishment of the NCA?

Mr. WOLF. No, they do not in our view represent a serious hindrance primarily because these gypsum deposits do not appear to have the economics that will ever make them developable compared to other ones that are more economic.

Mr. VENTO. There is no question about the variety of gypsum or anything in terms of it being a patentable mineral, is that correct?

Mr. WOLF. No, it has been studied.

Mr. VENTO. We're not dealing with pumice here or some other sort of marginal material. I mean it's obviously a well-established and recognizable patentable mineral.

Mr. WOLF. Correct.

Mr. VENTO. Of course the question staff raises and has raised in written form to me is, Are there some of a common variety of mineral that are more doubtful in terms of being patentable?

Mr. WOLF. There are 43 placer claims within this area, most again in the northern area in the Lucky Strike Canyon and Kyle Canyon areas where we have the alluvial fans and gravel resource. Those will probably hinge on their validity on the issue of common and uncommon variety materials.

Mr. VENTO. So that's an open question, and obviously I note the BLM is arguing from the standpoint that they're probably common. They're talking about gravel materials and sand?

Mr. WOLF. That's the primary resource that placer claims in this area are filed for.

Mr. VENTO. Well Mr. Hansen has been very patient. So I ought to let him join in

Mr. HANSEN. Thank you, Mr. Chairman.

Like my colleague from Nevada, I wouldn't fall on my sword over this bill, but I am kind of curious about this 4,000 acres that seems to be the sticking point on this particular piece of legislation.

Mr. BILBRAY. If the gentleman would yield for one second.

Mr. HANSEN. I yield.

Mr. BILBRAY. I would fall on my sword for the bill, but not for the 4,000 acres, let me make it clear.

Mr. HANSEN. I see. Well we won't ask you to do that. [Laughter.]

The 4,000 acres though, is this the one that the Del Webb Corporation is interested in? Is that the 4,000 acres you're talking about?

Mr. WOLF. We received a letter from Del Webb some time ago that expressed an interest in an area that this is a part of.

Mr. HANSEN. No disrespect to the BLM, but to get a square inch out of you in the State of Utah is an act of God almost. Are you at all interested in making that transfer to those people?

Mr. WOLF. I guess it would be premature to say we would be interested in transferring it to them. As Mike mentioned, the resource management plan process for the lands outside of the current NCA is ongoing. The draft plan indicates that that would probably be an appropriate area to consider for disposal in the future, but there has been no commitment made.

Mr. HANSEN. And how would you dispose of it? What method would you use to dispose of it? Is it outright sale, is that what you have in mind?

Mr. PENFOLD. No, land exchange.

Mr. HANSEN. Pardon me, Mr. Penfold?

Mr. PENFOLD. If it was decided that it was in the public interest to dispose of that, our preference would be land exchange. There are other valuable public properties in the State of Nevada, including some on national forests, that are in private ownership that we would want to consider for exchange.

Mr. HANSEN. I'm not a hundred percent sure where Mrs. Vucanovich is coming from on that transfer. Where are Clark County folks coming from in Las Vegas and what's their stand on that? I guess maybe they'll have an opportunity to discuss that later, or I assume that will come up.

Mr. VENTO. They have a letter in the record that Congressman Bilbray put in, in opposition to the transfer and so support inclusion in the NCA.

Mr. BILBRAY. The two entities that are most affected, I believe Clark County and also the Las Vegas Valley Water District, are both in opposition to the 4,000 acres being taken out of it and any exchange being made. So the public entities that have spoken have spoken against taking the 4,000 acres out.

Mr. HANSEN. BLM, do you have a stand on it? You say you didn't oppose it.

Mr. PENFOLD. We haven't opposed it. If there is going to be anybody dying on the sword, we would like not to die on the sword on this one ourselves. This bill is too important to be hung up on this matter.

Mr. HANSEN. That strikes me funny that you would say that, if I may say so.

Let me ask you this, and I may be overly sensitive from 12 years on the Ethics Committee. The Secretary, he was counsel for Del Webb for a while, wasn't he?

Mr. PENFOLD. I wasn't aware of that.

Mr. HANSEN. I understand that he was. Has he had anything to do with you on this? Has he discussed that with you all?

Mr. PENFOLD. I had heard a rumor just yesterday that that was being kicked around. I might ask Dave to respond to that as the principal person out there on the ground who is advising us on this particular track whether he has had any contact from anybody in the Secretary's office. Let me say from the standpoint of us in headquarters that there has been no discussion at all with the Secretary's office relative to this matter.

Mr. HANSEN. We insist on people around here recusing themselves in case they are in any way associated with the situation, and I think that would be proper for the Secretary. I doubt whether a double standard would apply. It's like on the bank scandal, we could hardly find anyone to sit on the committee. Half of Congress had to recuse themselves.

But, anyway, let me ask you this about the desert tortoise. Will you show us where the desert tortoise is? You both made reference to it.

[Mr. Ward goes to the map and indicates.]

Mr. WOLF. The tortoise habitat that could be considered primary would be on the eastern edge, the northeast corner of the expansion up in the green area, and in the very southeast corner down in the Bird Springs Range. But most of this country very quickly rises above an elevation and an environment that tortoises don't go above. So the tortoise is only on the eastern edge's fringes.

Mr. HANSEN. You mentioned in your testimony that you had the desert tortoise in that particular area, which is an endangered species at this particular point. Therefore it has critical habitat. How much of this are you going to say is not used for the things that Congressman Bilbray talked about as far as biking and hiking and off-road vehicles and that type of thing? How much of this would be sequestered away for the desert tortoise?

Mr. WOLF. I guess without some public input and some management planning I really don't have an answer for you on that.

Mr. HANSEN. So you would have to wait to see what the management plan would say before you would be in a position to respond to that?

Mr. WOLF. I think so. The one thing I would say is that, partly because of the public attitude towards the management of the Red Rock area, I don't foresee that there would be much development proposed at all other than the use of existing roads and trails by

the public. That's just not the mode that the public has indicated to us that they wish us to be moving in.

Mr. HANSEN. And there are no roads or trails in the area where the desert tortoise is now and so you're not concerned at all about this endangered species. You've closed up half of southern Utah for the desert tortoise, and I wonder how much you're going to close here.

Mr. WOLF. I don't really have a good answer for you.

Mr. PENFOLD. Are you referring to the 4,000 acres, Mr. Hansen or the whole general area?

Mr. HANSEN. Is there any critical habitat within the NCA?

Mr. WOLF. I don't know, to be honest with you. I don't have that map.

Mr. HANSEN. You haven't talked to Fish and Wildlife to check that out yet?

Mr. WOLF. That's one thing that we have failed to do.

Mr. HANSEN. We would appreciate it you would submit that for the record so we would know how much ground we're talking about in that particular area.

[The information follows:]

There is no identified critical habitat within the lands proposed for addition to the Red Rock Canyon National Conservation Area.

Mr. VENTO. If you gentleman would yield to me just briefly.

Mr. HANSEN. I would be happy to yield.

Mr. VENTO. I appreciate his patience with the request from the Majority Staff.

The issue of course with the desert tortoise would be an issue irrespective of whether this was NCA or whether it was other general BLM lands. Is that correct, Mr. Wolf?

Mr. WOLF. That's correct.

Mr. VENTO. So that particular issue, while it's important, and I think that Mr. Hansen implied that there had been certain limitations put on lands in Utah because of the endangered status of the desert tortoise, it would be a problem regardless of whether this was an NCA or not, is that correct?

Mr. PENFOLD. Correct.

Mr. WOLF. Correct.

Mr. VENTO. I think it would be especially important of course with regard to the 4,000 acres that you're trading out because that process would anticipate a review on that basis, is that correct?

Mr. WOLF. Correct.

Mr. PENFOLD. Yes. I mean if this were to go through the normal administrative process we would during this period of time consult with the Fish and Wildlife Service. We do have letters from the Fish and Wildlife Service indicating their enthusiasm for the additional area to take care of Blue Diamond cholla. We will be listening with a great deal of interest to comments on this 4,000 acres at this hearing here today as part of our thoughts on this.

Mr. HANSEN. If I may add to what the chairman pointed out though, and I would agree with what he says regarding the desert tortoise. But where I think the issue comes up is the things that are being said here by Mr. Bilbray and what Mrs. Vucanovich and the chairman and everyone else is saying about the proposed use of this NCA changes substantially in the event that Fish and Wild-

life says certain areas are critical and then those uses don't come about. I think that is something that you always take into consideration.

We've played that game a dozen times in southern Utah and Arizona where we thought a certain area should be used as a recreation area or something that didn't come about because of an endangered or threatened species.

The Colorado River drainage is now going to be one of the biggest issues I think in the Southwest part of America for the squawfish, the bony fish, the humpback chub and all those things that would completely change how the Colorado River drainage is looked at and even challenges who gets use of the water, which is critical stuff in our minds.

So every time someone starts mentioning endangered species, I surely don't take it lightly. I think it's a critical thing, and I've seen a lot of people be very shocked thinking what they're going to get when it turned out what they really got out of these things.

I appreciate the testimony of both Mr. Penfold and Mr. Wolf and look forward to this additional information that we've talked about.

Thank you, Mr. Chairman, for the time.

Mr. VENTO. Thank you.

Mr. Bilbray, did you have any questions of the witnesses?

Mr. BILBRAY. No.

Mr. VENTO. Well let me proceed to turn back to a couple of other questions.

With regards to this latest point Mr. Hansen made to the threatened and endangered species, obviously the Blue Diamond cholla, adding that area to the NCA obviously gives a greater degree of recognition of something special in the area. As far as the Fish and Wildlife Service, the mandate would be the same from them for protection of an endangered species whether it was part of the NCA or part of the BLM general lands, is that correct?

Mr. PENFOLD. That is correct. The mandate would be for us to have the necessary protection for the tortoise in those areas.

Mr. VENTO. I didn't talk too much about use myself of the National Conservation Area, and obviously there are certain uses that are permitted to general BLM lands that may be restricted or in fact enhanced by NCA designation.

Now we've had an increase here, as Congressman Bilbray pointed out, and I think your statement points out, of about a quarter of a million to one million visits to the existing NCA. That accounts for the fact that a lot of people in Nevada are asking Congressman Bilbray when they're going to expand it and what they're going to do to protect this area. What has the nature of that use been?

Has it been an off-road vehicle use increase, Mr. Wolf?

Mr. WOLF. The primary visitor that we get is the sightseer who comes out to spend about three hours to visit our visitor center and drive around the paved scenic drive, as we did. Probably 90-95 percent of the visitors do that. The other people are the general recreationists, mostly locals and out-of-state people, and the specific small groups that are the rock climbers who do quite a little bit of hiking in that area.

Mr. VENTO. I think it would be helpful for Mr. Hansen and for the record to talk a little bit about the rock-climbing activities in

this NCA because it has been quite an interesting development and growth in terms of that use, at least in terms of the hours that they're there. They are there for a long time and, please, Mr. Wolf, elaborate on that.

Mr. WOLF. Well to finish your first question, there is a very limited off-road vehicle use of this area. There never has been the type of use that you may envision as off-road vehicle use from some of the TV news reports or whatever in other parts of the country. There are several dirt roads in the area that are very popular with people in town and most of those are going to remain open to use. But in terms of the off-road folks that just kind of might go anywhere. It's pretty limited and it hasn't been used that way, plus there have been management staff and rangers there to take care of that.

In terms of rock climbing, in the mid- to late 1970s when the last management plan was prepared rock climbing was not even mentioned because at the time rock climbing on sandstone just really was not done, except by a very small minority of rock climbers. They focused more on the granite areas that are in Utah and in those areas which I climbed years ago.

Only in the last 10-15 years has the technology which has generated the use of battery-operated drills to place climbing bolts for protection into sandstone generated what we now have, an international use of the area by climbers that lasts from as soon as it gets the cooler weather that Vegas is known for in September and October all the way through into May. Where it used to be a little bit in the fall and a little bit in the spring, it is year-round now.

Mr. VENTO. Well we had talked about some of the management challenges that that presents, with people leaving their bolts in the face of the sandstone and so forth and so on, and that presents special challenges. Some of the area that we're talking about expanding into, does it also have some of the same sort of characteristics in terms of rock climbing or not?

Mr. WOLF. No. The area we're talking about expanding into is more characteristic of the other type of environment which is a lot of low ridges and fault block uplifts, but not characterized by the large sandstone fault that is the main feature.

Mr. VENTO. So the anticipation of a lot of off-road vehicle use would not necessarily be what is sought in the future in terms of its management plan, although we don't want to presume that.

Mr. WOLF. No, I would not anticipate that; plus it would probably violate the intent of Congress in terms of the original legislation that told us to designate a road system.

Mr. VENTO. Well I think it's important that we try and explore that.

Are there currently any grazing allotments? We hadn't talked about the grazing allotments in this area.

Mr. WOLF. The main area has not been grazed in about 25 years. I understand that the very northern area was involved in an allotment that was authorized for one horse, and no one is sure if the horse is still with us. [Laughter.]

Other than that, there is no grazing.

Mr. VENTO. That horse gets a lot of miles on him if he still is around in terms of it being a pretty sparse forage in the area in use.

Mr. WOLF. Yes.

Mr. VENTO. I know some of the area, in terms of the Joshua tree being a succulent, that they were talking about the fact that they are equal to Joshua Tree Monument in California in terms of the nature of the plant that is present here. So it's not to compete with the national parks I guess, but it is a recognition of an important resource.

There are increasing amounts of individuals that drive out and go there for Las Vegas for whatever purpose they go there, to gamble or to visit one of the other attractions, but also then this is becoming a major activity for visitors to Las Vegas to go out into the Red Rock and Spring Mountain areas. Is that correct, Mr. Wolf?

Mr. WOLF. Yes. We get a great many comments from our visitors, most of which because the vegetation is so limited in the Las Vegas, Southern California and Arizona area, that this is unique. They haven't seen plants like this and they never get a chance to.

Mr. VENTO. It's a surprising area with the image of Nevada in terms of being desert and gambling casinos, and then in reality in terms of the mountain ranges and the other characteristics they're really an outstanding resource and something that I think is going to be in the future almost a better attraction than some of the billions they're spending in downtown Las Vegas, which they of course are privileged to do.

I think that, since the issue came up in terms of this process with the 4,000 acres, I did want to talk about it, too, in some detail. You have under your plan identified this as a possible sale because it's contiguous, this 4,000 acres, it's contiguous with other private land. That's really one of the criteria, is it not, Mr. Penfold or Mr. Wolf?

Mr. PENFOLD. That is the case, but let me ask David if he wants to expand on it.

Mr. WOLF. Yes, it lies directly west of an area that is being developed rapidly and has quite a little bit of private land in it.

Mr. VENTO. I think the problem I have with the whole notion in Las Vegas is that the whole plan for BLM, which isn't all your responsibility as the district person, Mr. Wolf, is that it doesn't seem to me that we've got a critical review of all the planning that goes on and why we ought to do certain things.

In my mind's eye I would think that consolidation of some areas that are open would be a very high priority if we're at all willing to discuss what the path ought to be or where development could occur and we would try to eliminate a lot of other problems.

As I looked at the Las Vegas area, and especially in the south, there seems to be this divided pattern of land ownership which isn't even checkerboard. That description wouldn't do justice to the problems. As we were driving back to Las Vegas, you suggested when we asked about the ownership of land that without formal surveys and a considerable amount of effort expended, we really don't know what we own and what we don't. So the management of it is either impossible or non-existent.

Mr. Wolf, would you comment on that.

Mr. WOLF. There are a number of those areas next to the NCA both to the northeast and the south that have that scattered land pattern. The emphasis for the last 10 years or so for BLM land action in the Valley City area has been consolidation and the sale of unmanageable pieces.

Mr. VENTO. Well this is not unmanageable, this particular piece, is it?

Mr. WOLF. No. This piece is manageable.

Mr. VENTO. And it is consolidated and it is contiguous.

Mr. WOLF. Correct.

Mr. VENTO. I guess I would like to know what type of feedback you've had in terms of the process. You've had hearings on this in your overall plan for BLM lands, and what has been the feedback from the community, from Las Vegas and from the Nevada area, and not specifically from just this area, but Clark County obviously has an opinion on this, or at least they voted an opinion. What has been the feedback in terms of where the priorities are and in terms of land management and making available for sale land? Is this parcel one of them?

Mr. WOLF. I think this parcel was included in the draft plan that is being reviewed at this time because there had been an expression of interest for the piece to be exchanged or sold. Because I'm not working on that plan and it's outside my area, I really don't have a very good answer for you on what the public comment is.

Mr. PENFOLD. Mr. Chairman.

Mr. VENTO. Mr. Penfold.

Mr. PENFOLD. I might say that we did not have time to review what kind of public input we've had come in. We would be happy to make a summary of that. [The information follows:]

The Draft Stateline Resource Management Plan (RMP) shows that we received no public comments specific to the 4,000-acre parcel of land that is currently within the proposed expanded Red Rock Canyon National Conservation Area. Comments were general in nature and concerned the impacts of land disposal on the local infrastructure, water supplies, and air quality.

A supplement to the Draft RMP has recently been released for public comment. We anticipate receiving many comments on the 4,000-acre parcel of land as a result of the consideration of H.R. 3050.

Mr. VENTO. I think we do need that type of input in terms of, you know, if this is the key parcel that folks in Las Vegas and Nevada are saying that we need this particular piece. I mean maybe it's not as much of an issue. The fact that we got one letter of expression that is causing us all of the sudden to change all of our plans on 4,000 acres, plus the fact that there has been sort of a casual idea that maybe this is alongside of some other private lands. If we took that attitude, you know, BLM would sell everything.

You mentioned the features there, the alluvial fan and we'll listen to others and what they have to say about it, but it isn't because it's unmanageable. The other understanding that I have and I think needs to be stated here is that BLM's suggestion that the 4,000 acres not be designated as part of the NCA at this time is based on and reflects your planning effort and not any instructions from the Secretary's office, is that correct?

Mr. PENFOLD. That's correct.

Mr. VENTO. So this has been something that has been ongoing for some time and long before the current Secretary of Interior was actually in position, is that correct?

Mr. PENFOLD. No, I wouldn't say so. I think the issue arose in the last year or year and a half.

Mr. VENTO. Well a year and a half is before—

Mr. PENFOLD. A year and a half is before this Secretary, but the planning effort has been going on for about three years.

Mr. VENTO. I think the process here has completely been in the main of the BLM in terms of adoption of the plan. If this were not to be put as part of the NCA that would obviously foreclose this, but if it were not designated as part of the NCA what would the process be? It wouldn't be just Del Webb, would it, that would be contacted?

Mr. PENFOLD. No. The process would be that we would complete taking public input on whether this is a good proposal or not. We would have to have some discussion with the Fish and Wildlife Service relative to issues like the desert tortoise. We would prefer to have this particular tract available for exchange. It's not within the Burton-Santini boundary. Then we would want to take a look at other higher public purpose land that should be brought into public ownership and use this as an exchange. That's assuming that we conclude that this tract should be available for disposal.

Mr. VENTO. So you're just saying that you're leaving it open now, or at least you testified that it had no outstanding qualities, but it is not a management problem. There are other things that I would think would be a higher priority in that area in terms of trade than this, and one letter of expression wouldn't be just one individual. This would be open to a host of different entities that might be interested in such an exchange, is that correct?

Mr. PENFOLD. What we prefer to do is take a look at a variety of proposals when we have lands that are available for exchange and see which tracts should have the highest priority to be in public ownership.

Mr. VENTO. One of the concerns I would think in any type of parcel around Las Vegas would be the various utility and other types of services and what the city plan is. Are you aware of what the city or the community's plans are for this area?

Mr. PENFOLD. I don't think they envision it being developed in their long-run plan at all. I think it's outside their service boundary.

Mr. VENTO. It's outside their service boundary. Well, I think that's very significant in terms of an expression by the community, although there may be further refinement to that and we will await your conclusion. Obviously we'll hear some of that today from others that are present.

Mr. Hansen, did you have any further questions?

Mr. HANSEN. Well I'm just curious. You said this has been going on for three and a half years?

Mr. VENTO. No, a year and a half.

Mr. HANSEN. A year and a half.

Mr. PENFOLD. I understand the planning started about three years ago.

Mr. WOLF. About three years ago. That was referring to the specific letter that we got from Del Webb that expressed an interest in that piece. I think that's within the last year.

Mr. HANSEN. Well I just would like to ask, was Secretary Babbitt legal counsel for Del Webb during that time and was he corresponding with the BLM on this issue?

Mr. PENFOLD. I have no idea.

Mr. VENTO. I think that there is information and it would be helpful, but I was just trying to point out that there have been no instructions from the Secretary's office in terms of what the BLM position is on this, is that correct?

Mr. PENFOLD. I want to be very clear on this because of the amount of interest that there seems to be here. We have had no communication with the Secretary or the Secretary's office relative to this matter.

Mr. VENTO. It's clear to me. Well if there are any further refinements or if there is any information on that obviously there is an interest.

Well I have no further questions.

Mr. Bilbray, did you have any other questions?

Mr. BILBRAY. No.

Mr. VENTO. Well thank you, Mr. Penfold and Mr. Wolf, for your testimony and, Mr. Ward, for your help.

**PANEL CONSISTING OF TERI A. KNIGHT, DIRECTOR OF SCIENCE AND STEWARDSHIP, THE NATURE CONSERVANCY, NEVADA PROJECT OFFICE OF THE GREAT BASIN FIELD OFFICE; STAN PEYTON, REPRESENTING THE TOIYABE CHAPTER, SIERRA CLUB; AND NORMA COX, LAS VEGAS LEAGUE OF WOMEN VOTERS**

Mr. VENTO. We have a panel of witnesses next, including Teri Knight with The Nature Conservancy; Sam Peyton with the Sierra Club; and Norma Cox with the Las Vegas League of Women Voters.

We are very appreciative of their efforts to prepare testimony and their involvement and presence this morning at the subcommittee meeting.

Your statements have been made part of the record in their entirety. I haven't read them yet, unfortunately, but if you can summarize them and take about five minutes it would be I think helpful to facilitate our hearing this morning since our schedules seem to get pretty overloaded in the middle of the week.

Ms. Knight from The Nature Conservancy, please proceed with your oral comments.

**STATEMENT OF TERI A. KNIGHT**

Ms. KNIGHT. Thank you, Mr. Chairman and members of the subcommittee. I would like to thank you today for taking this time to hear me speak to you about an area outside of Las Vegas that is near and dear to my heart.

My name is Teri Knight, and I'm the director of science and stewardship for the Nevada program of The Nature Conservancy. I'm a botanist and I'm also a voting, 25-year resident of the State

of Nevada. I'm proud to be here today for Congressman Bilbray to testify on behalf of H.R. 3050.

The Nature Conservancy is an international non-profit organization that is dedicated to the preservation of natural diversity through protection of threatened species and natural ecosystems. We currently have over 740,000 individual members and over 650 corporate sponsors. We have helped in preserving over 5 million acres of land and own and manage approximately a million and a half acres as natural private preserves.

I would like to thank the subcommittee today for the opportunity to present The Nature Conservancy's view on H.R. 3050. We strongly support the additional acreage of land to the existing National Conservation Area to conserve and enhance the nationally important wildlife resources of Red Rock Canyon.

In addition, I would like to recommend a boundary change to provide permanent protection for the only population of a rare cactus known as *Opuntia whipplei* var. *multigeniculata*. This additional 880 acres occurs in the southwestern portion of the Blue Diamond Hills as indicated on my maps that are attached to my written testimony.

This boundary change would provide the only long-term protection for this rare and endemic cactus, which is commonly known as the Blue Diamond cholla, as you heard earlier. Both the Fish and Wildlife Service and the BLM support and concur with the inclusion of this acreage and to date I know of no other opposition.

The cactus is a Candidate, Category 1 species for Federal listing as Threatened. It is also one of 400 species named in the *Fund for Animals vs. Lujan* lawsuit settlement. At this time the Fish and Wildlife Service considers this species warranted for listing and will act on that information by September of 1996 as dictated by the lawsuit. Without protection, a decision for Federal Threatened listing of this species is eminent.

The entire global population of the Blue Diamond cholla occurs on the hills west of Las Vegas in about 300 acres approximately. We've utilized the surveys of the Nevada Natural Heritage Program and other local known botanists, and based on these surveys approximately 6,200 individuals are estimated. Of this 85 percent occur on public lands and the other remaining portion occur on private lands.

Since 1989 The Nature Conservancy and James-Hardie Gypsum Company have had an informal agreement to protect this cactus on private property. This partnership and protection effort continues to date. We applaud James-Hardie's commitment to the community and also their environmental leadership. However, the remaining 85 percent of this population, which is on public lands that are managed by BLM, remain unprotected and vulnerable.

The Nature Conservancy views the proposed boundary change in the vicinity of Blue Diamond Hills is critical to the future of this species. It's vulnerable because there is a single population, there are few individuals and there are multiple threats to its habitat.

Inclusion within the boundary will protect the cholla by removing future mineral entry, by planning and management for public use of the area and also by preventing habitat destruction through the heightened increase of the ranger presence.

Taking this simple step of including 880 acres would give the needed long-term protection to this unique piece of Nevada's natural landscape. We see this protection measure as an opportunity to avoid a Federal listing under the Endangered Species Act, and indeed this one proactive measure has the approval of both Federal agencies as a method to prevent what we see as an eminent listing.

Not only would the Blue Diamond cholla be protected, but there are five other candidate species in the 880 acres. They are the remote milk-vetch, the Mojave milk-vetch, rosy beardtongue, western chuckwalla and gila monster. They are all candidates.

The people of the United States have made a commitment to protect the cultural, the biological, the geological and scenic resources of Red Rock Canyon National Conservation Area. Inclusion of this small additional acreage will provide the critically needed protection for the Blue Diamond cholla and five other candidate species. It highlights the ability of Federal agencies and private partners to find creative and cost-effective solutions to protect our Nation's conservation areas.

The Nature Conservancy urges the subcommittee to include this boundary change of 880 acres and enact the farsighted piece of legislation that was introduced by Mr. Bilbray.

Thank you.

Mr. VENTO. Thank you very much, Ms. Knight, for your statement.

[Prepared statement of Ms. Knight and attachments follow:]

## The Nature Conservancy

SOUTHERN NEVADA PROJECT OFFICE PO Box 70838 Las Vegas, Nevada 89170 (702) 737-8744

Testimony of Teri A. Knight  
 Director of Science & Stewardship  
 The Nature Conservancy,  
 Nevada Project Office of the Great Basin Field Office  
 before the Subcommittee on  
 National Parks, Forests and Public Lands  
 United States House of Representatives

8 March 1994

Mr. Chairman and members of the Subcommittee, my name is Teri Knight, and I am Director of Science and Stewardship for the Nevada Project Office of the Great Basin Field Office of The Nature Conservancy. I am a botanist and a 25-year resident of Nevada. I am here today, at the request of Congressman Bilbray, to testify on behalf of The Nature Conservancy on H.R. 3050, "an Act to expand the boundaries of Red Rock Canyon National Conservation Area of 1993."

The Nature Conservancy is an international non-profit land conservation organization dedicated to the preservation of natural diversity through the protection of threatened species and ecosystems. Established in 1951, the Conservancy currently has over 741,000 individual members and more than 650 corporate sponsors. To date, the Conservancy has helped to preserve more than 5.5 million acres, and currently owns and manages in excess of 1.3 million acres in more than 1,600 preserves -- the largest private system of nature sanctuaries in the world.

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 Printed On Recycled Paper

I would like to thank the Subcommittee for this opportunity to present The Nature Conservancy's view on H.R. 3050. We strongly support the additional acreage of land to the National Conservation Area to conserve and enhance the unique and nationally important wildlife resources of Red Rock Canyon. In addition, I would like to recommend a boundary change to provide permanent protection for the only population of the rare cactus, *Opuntia whipplei* var. *multigeniculata*.

I would like to encourage the Subcommittee to support and include an additional 880 acres in the southwestern portion of the Blue Diamond Hills in H.R. 3050 (Attachment 1). This boundary change would provide the only long-term protection for the rare and endemic cactus, commonly known as the Blue Diamond cholla. The Bureau of Land Management (BLM) and the Fish and Wildlife Service (the Service) support inclusion of this acreage. To date, I know of no opposition to this proposal.

This cactus is a Candidate, Category 1 species under consideration for Federal listing as Threatened. This plant is also one of 400 species named in the Fund for Animals v. Lujan lawsuit settlement. Currently, the Service considers the Blue Diamond cholla warranted for listing and must act on this information by September 1996. Without protection, a decision to list this cactus is imminent (Attachment 2).

The species' entire global population occurs on the Blue Diamond Hills west of Las Vegas, covering an area of approximately 270 acres. Based on surveys made by scientists of

the Nevada Natural Heritage Program, a total of 6,200 individuals are estimated. Of this acreage, 85% of the population occurs on public lands, the remaining 15% occurs on private land (Attachment 1).

Since 1989, The Nature Conservancy and James-Hardie Gypsum Co. have had an informal agreement to protect this cactus on their private property. This partnership and protection effort continues to date. We applaud James-Hardie's commitment to the community and their environmental leadership. However, the remaining 85% of the population which is on public lands managed by the BLM is unprotected and vulnerable.

The Nature Conservancy views the proposed boundary change in the Blue Diamond Village vicinity critical to the future of this species. The Blue Diamond cholla is vulnerable because:

1. it has only a single population;
2. there are few individuals; and
3. there are multiple threats to its habitat.

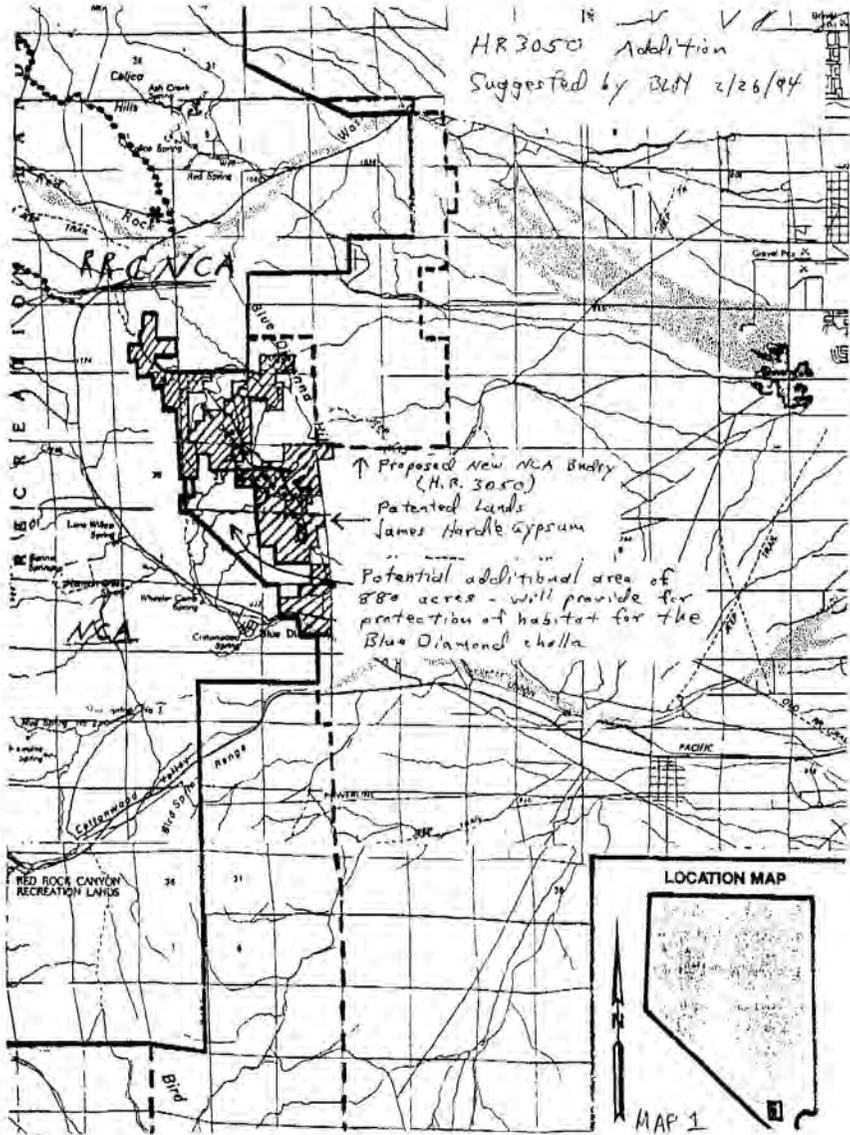
Inclusion within this proposed boundary will protect the Blue Diamond cholla by removing future mineral entry, providing planning and management for public use, and preventing habitat destruction through the increased presence of BLM Rangers.

Taking this seemingly simple step of including 880 acres would give long-term protection to this unique piece of Nevada's natural heritage. We see this protection measure as an opportunity to avoid a Federal listing under the Endangered Species Act. This proactive step has the approval of two Federal

agencies (BLM and the Service) as a method to prevent an imminent listing. It is not only an opportunity to offer protection for the Blue Diamond cholla, but five additional Federal candidate species: remote milk-vetch (*Astragalus remotus*), Mojave milk-vetch (*Astragalus mohavensis* var. *hemigyris*), rosy beardtongue (*Penstemon bicolor* ssp. *roseus*), western chuckwalla (*Sauromalus obesus*), and the gila monster (*Heloderma suspectum*).

The people of the United States have made a commitment to protect the cultural, biological, scenic, geologic, recreational, and natural resources of Red Rock Canyon National Conservation Area. Inclusion of this small acreage will provide critically needed protection for the Blue Diamond cholla, along with five other rare species in Nevada. It also highlights the ability of Federal agencies and private partners to find creative and cost-effective solutions to our Nation's conservation needs. The Conservancy urges the Subcommittee to include the boundary change and enact this far-sighted piece of legislation of Congressman Bilbray.

Attachment 1. Locational map showing H.R. 3050 boundaries and the proposed additional 880 acres to protect the Blue Diamond cholla, and vicinity map depicting the exact distribution of the Blue Diamond cholla within these boundaries.



From: Morefield, J.D. 1992. Status report on the Blue Diamond cholla, U.S. Fish and Wildlife Service.

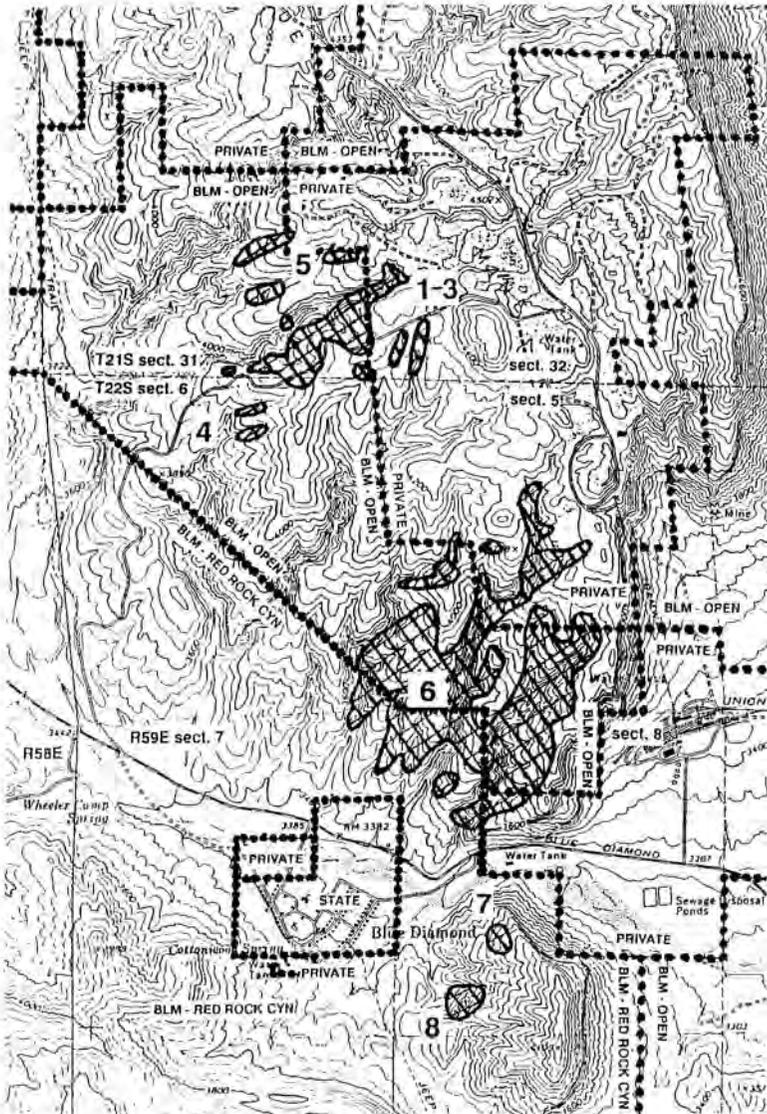


Figure 7. Distribution of *Opuntia whipplet* var. *multigeniculata* (cross-hatched) surveyed in the Blue Diamond Hills, showing approximate land ownership boundaries. Site numbers are from Table 1.

Appendix I, page 6

Attachment 2. Memorandum from U.S. Fish & Wildlife Service to U.S. Bureau of Land Management, dated 4 March 1994.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 NEVADA ECOLOGICAL SERVICES STATE OFFICE  
 4600 Kietzke Lane, Building C-125  
 Reno, Nevada 89502-5093

March 4, 1994

File: *O. whipplei* var. *m.*

### Memorandum

To: District Manager, Las Vegas District, Bureau of Land Management, Las Vegas, Nevada

From: State Supervisor, Ecological Services, Reno, Nevada

Subject: Expansion of the Boundaries of the Red Rock Canyon National Conservation Area

The Fish and Wildlife Service (Service) is pleased to hear that the Bureau of Land Management (Bureau) has requested an amendment to Congressman Bilbray's bill (H.R. 3050), expanding the boundary of the Red Rock Canyon National Conservation Area (NCA), in Clark County, Nevada. This amendment would increase the area of the proposed NCA expansion in the Blue Diamond Hills by 880 acres, encompassing the only known populations and habitat of the Blue Diamond cholla (*Opuntia whipplei* var. *multigeniculata*), a variety of cactus which is a category 1 candidate for listing under the Endangered Species Act of 1973, as amended.

In 1992, the Service agreed to the terms of a out-of-court, lawsuit settlement agreement requiring that we determine, by September 1996, whether or not to propose for Federal listing over 400 species of plants and animals. The Blue Diamond cholla is one of the species named in this settlement agreement. Our records indicate that the Blue Diamond cholla may warrant listing, in part, because of the potential for mine expansion and development in the Blue Diamond Hills, the only known habitat for this species in the world.

The area included in the proposed Bureau amendment to H.R. 3050 would provide additional protection to the Blue Diamond cholla such that listing of the species under the terms of the lawsuit settlement may not be necessary. We fully support this added protection.

We appreciate your efforts in conservation and protection of the Blue Diamond cholla and its habitat. Please do not hesitate to contact us at (702) 784-5227 if we can be assistance to you in the future.

David L. Harlow

cc:

Director, Nevada Natural Heritage Program, Carson City, Nevada  
Director of Science and Stewardship, The Nature Conservancy,

Las Vegas, Nevada

Assistant Regional Director, Ecological Services, Fish and  
Wildlife Service, Portland, Oregon

Mr. VENTO. Mr. Peyton with the Sierra Club, welcome, and please proceed with your statement.

#### STATEMENT OF STAN PEYTON

Mr. PEYTON. Thank you, Mr. Chairman. I am Stan Peyton, and that's spelled P-e-y-t-o-n, incidentally. I do represent the Toiyabe Chapter of the Sierra Club.

I live in Las Vegas, and I'm a relative newcomer. I've only lived there a little over two years, and in that two years it's easy to see that the people who live in Las Vegas are not a particularly sentimental people due to the nature of the work that a lot of them do.

But when you mention the two words, Red Rocks, their eyes soften and they go, oh, I love to go to Red Rocks, we go up there all the time. I think the reason people like it so much is because Red Rocks inspires a sense of awe and wonder in people.

I would like to juxtapose this with the fact that during the almost an hour now that this hearing has been going on five new homes have been built in Las Vegas. In an eight-hour day 40 homes are built every day. In Las Vegas, 14,000 homes a year are being built. That's 1,200 homes every month. That's incredible growth, and it's incredible pressure on the fragile desert ecosystem.

I would like to convey that the Sierra Club strongly supports this bill by Congressman Bilbray and salute his courage in bringing it forward. All I would like to speak to is the 4,000-acre proposed deletion.

We are adamantly opposed to deleting this 4,000 acres. We believe the 4,000 acres is needed as a buffer between the core wilderness areas and the intense suburban development that will take place on the Olympic management land which is next to the 4,000 acres.

If the 4,000 acres is allowed to be developed, what will happen is the same thing that happened in Las Vegas, and it's a sad thing, but there is a tremendous amount of illegal dumping on the peripheries of suburban areas. So where are we going to have the illegal dumping, up in the core wilderness area or back behind the buffer along the edge? I mean ideally there would be no illegal dumping at all, but if this 4,000 acres were given away we would lose this buffer. The buffer would also be a wonderful area for horseback riding, mountain biking and hiking. It's great desert land out there.

We need more designated recreation areas. Removing the 4,000 acres would give us less, while bringing more people into this area, and as a result the citizens who live in the 4,000 acres would have a tremendous view down into the valley of the lights of Las Vegas as they spread out. But those of us that live down in that valley would look up and see their block walls and red tile roofs. Where is the sense of awe, and where is the sense of wonder in block walls and red tire roofs? I don't have it.

Another problem is the fact that this 4,000 acres is close to Kyle Canyon and the new Forest Service recreation area up there. The Kyle Canyon area is already crowded. Building on these 4,000 acres will make it all too easy for those people just to get in their cars and drive up to Kyle Canyon for a cocktail or whatever at one

of the lodges up there. That will exacerbate the already unpleasant situation of overcrowding in Kyle Canyon.

Another fact is that before Congress gives up a 4,000-acre portion like this, we believe that you should have all the facts and that a full environmental impact statement should be made on the acreage.

So in conclusion I would like to quote from the theologian Matthew Fox who said, if we lose our sense of awe, the universe is reduced to a big K-Mart.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you, Mr. Peyton, and we'll make note that you're not related to the General. Sorry about that. We really got it phonetically wrong.

[Prepared statement of Mr. Peyton follows:]



## TESTIMONY RE: H.R. 3050

Chairman Vento and Members of the Subcommittee:

My name is Stan Peyton and I represent the Toiyabe Chapter of the Sierra Club. Thank you for the opportunity to testify on this proposed legislation. In the hearts of ordinary Las Vegans, the Red Rocks area is regarded with great awe and tenderness. Because of this overwhelmingly positive attitude toward Red Rocks, Congressman Bilbray's proposal to expand the Conservation Area is clearly the right course.

I want to convey the concern of our entire organization about the proposal to strip over six square miles from the expansion. This land is on the eastern side of the proposed addition. Any release of these lands is strongly opposed by the Sierra Club, and there are a number of good reasons for our opposition.

1. This particular land will serve well as a transition zone between the core wilderness areas we urge you to establish, and the soon-to-be heavily developed suburban areas. This particular 4,000 acres is a great place for horseback riding, mountain biking, and hiking - a "Desert Belt," if you will.

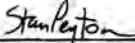
An unfortunate fact of life in Las Vegas is illegal dumping in the desert, particularly in areas contiguous to existing suburbs. If Del Webb is allowed to have this land, houses will be built right next to core wilderness areas. Inevitably, the illegal dumping will "trash" these core wilderness areas. By including this 4,000 acres in the Conservation Area, you will create a buffer between the illegal dumpers and the wilderness areas.

2. While we know that Del Webb wants the land to develop it, the fact remains that the land does not have water. This will have a tremendous negative impact on the appraisal - Del Webb will be able to buy it for a song. The rush should not be to make more public land available for developers; the rush should be to preserve open spaces while the opportunity still exists.
3. As the valley becomes developed, there will be more and more pressure on recreational lands. Existing gateways will be overwhelmed (Red Rocks is expecting 1,000,000 visitors this year). By allowing homes to be built on potential recreational land, the pressures increase on remaining recreational lands, while decreasing the amount of land available. Removing this 4,000 acres from the NCA would cause more pressure to be placed on a smaller resource.

4. Del Webb would like to build on this high ground so that its home buyers can look down at the beautiful view of the city. Please give consideration to the thousands of Las Vegans who look up to Red Rocks and the Spring Mountain Range for their natural beauty and as a source of inspiration. We don't want to look up at block walls and red tile roofs.
5. If Del Webb is allowed to build homes in this location, it will be all too easy for the residents of this new community to motor up to Kyle Canyon for a cocktail, due to the proximity. Kyle Canyon is already overcrowded, and this subdivision would exacerbate the situation.
6. To make a good decision, Congress needs all the facts, which would normally be provided in an Environmental Impact Statement. Before ceding land for private development, the Sierra Club requests that the transfer to go through the EIS process.

Many Las Vegans consciously left densely populated urban areas because they wanted "room to breathe." Please include this 4,000 acres in the Red Rock Canyon National Conservation Area so there will always be that room.

Respectfully submitted,



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Stan Peyton  
Toiyabe Chapter, Sierra Club

Mr. VENTO. Ms. Cox.

### STATEMENT OF NORMA COX

Ms. COX. Thank you, Mr. Chairman, and I want to tell you I'm delighted to be here to support Congressman Bilbray's bill. We all really are thrilled that he took the challenge and introduced the bill, and let me tell you, it wasn't with a lot of urging from us. He did it pretty much on his own, but we're right there behind him supporting him all the way.

I want to change my testimony a little bit. I had been warned that it was going to be very cold here. So I wanted to tell you that you've got to be convinced that I've got convictions on this subject. Why would I leave 77-degree temperature, fly all the way across the country and join you during cold weather, but now I can't say that. We must have brought the warm weather with us.

I was telling the chairman before, I retired from the Park Service, and he's a hero to the people in the National Park Service. I'm delighted, I learned from Congressman Bilbray's office that he came out and he looked at the Red Rocks Park and he mentioned to me earlier that he may be out again to look at some things that I had testified to with you before, and that was on the Desert Wetlands Park. My testimony is going to try to tie that whole thing together for you, and maybe that will encourage you even more to come out.

Anyway, I'm here, and I'm with the League of Women Voters, the Las Vegas Valley League of Women Voters, and we have been working on water issues for a long time. But I'm here not only to support their viewpoint, but trying to get, you know when we heard this bill was going to be considered, in trying to get all the environmental groups together to support them. So I'm here to carry their message, too. We don't have all the signatures of all the environmental groups. Simply there just wasn't time, but I'm sure you're going to be getting additional groups coming in in support of it.

The action to expand the Red Rock Canyon National Conservation Area is indeed significant for many reasons. You will hear or have heard from the other two witnesses representing environmentalists of the need to protect important plant resources and wildlife habitat. You got more detailed information about the beauty of the area.

I intend to stress watershed and viewshed protection and to discuss management issues. You have to understand I am a native of Las Vegas. I've grown up in the Las Vegas Valley and recognize all of the natural resources that are very, very important to valley residents.

To do what I'm going to do, I need to give you a visual impression of the land area in the Las Vegas Valley. What draws many people to the valley and what keeps them there is the beautiful vistas that we have. We're surrounded by mountain ranges and as you move about you can see these gorgeous vistas. But from the mountains, the valley floor drops dramatically to the point at which the drainage enters Las Vegas wash. That's the terminal for the drainage there, and the Las Vegas wash is where the Desert Park is.

The spectacular sandstone cliffs of Red Rock Canyon and the majestic peaks of Spring Mountain National Recreation Area form an inspiring backdrop for those of us who live in the valley. The physical characteristics, however, that I've described offer beauty, but at the same time dictate the fragility of the valley. Elevations range from 1,912 feet of Charleston Peak in the Spring Mountain Range to approximately 1,350 feet where the Las Vegas wash enters Lake Mead. Extensive coalescing alluvial fans extend from the surrounding mountain ranges to the valley floor. The Las Vegas Valley basin includes drainage areas in the mountains on the alluvial fans and on the floor itself. The drainage area totals some 1,500 square feet.

The physical parameters I've described lead to the major problems facing valley residents. As growth in the valley continues, we are having to contend with increased air pollution, subsidence problem in the west resulting from groundwater drawdown and rising groundwater in the east. H.R. 3050 is needed because it will protect areas in the alluvial fan from development. Development in the higher elevations will not only increase the problems I have described, but will lead to increased flooding problems and greater disturbance of subsurface soils. Air pollution drainage follows water drainage patterns with pollution moving west to east to Lake Mead. This year we have been faced with 12 days of dangerous pollution levels.

The Nevada State Engineer, who issues water well permits, has restricted private landowners from parceling their lands in the western alluvial fans out where the 4,000 acres are because of groundwater drawdown. This groundwater drawdown is not only affecting these property owners, but will have serious impact on vegetative and wildlife resources in the Red Rock Canyon and in the Spring Mountains Range if the process is not reversed. Groundwater drawdown is also impacting the Floyd Lamb State Park located in the Tule Springs area, across Highway 95 and downstream from the land being considered for removal from the expansion.

As environmentalists we are opposed to any change in the boundaries, except we weren't aware of the ones that have been proposed outside. The one we're concerned with is the 4,000 acres. We're concerned with any boundary changes which will allow new development in the area. Development will have a serious impact on the viewshed, as Stan described, from the valley and will lessen the quiet enjoyment for the visitor who will be faced with the noises of traffic and emergency vehicles. Lights from the development will cause visual intrusion.

As you heard, there is a resolution from Clark County. Clark County officials are attempting to manage growth in the valley. They have adopted a policy of in-fill. What they're trying to stop is the leapfrogging of development which is occurring in the valley. They are trained to do this so that they do not have to extend infrastructure to outlying properties. They are facing increasing resistance on the part of taxpayers who are no longer willing to carry the burden of new developments. They are putting infrastructure into new developments, and developers of these, if they are permitted to do so, any new major projects that are not in in-fill areas,

are likely to find that they are going to have to bear the cost of this.

There is some question in my mind, and I work now as a realtor, as to whether, you know, the economics are going to work out because there is a question of water. Where do they get the water? They're certainly not going to be able to use groundwater. It's going to have to be pumped in. There is sewage, and we're nearing capacity on sewage treatment, and the voters are saying we're just not going to vote any more bond money to put any more infrastructure in.

The county is also attempting to solve the worsening air pollution problems in the valley. One of the best solutions of course is a mass transit system, and the county has started one. However, it is not cost effective, nor is it realistic to think that you can extend such a system to distant developments.

We are also opposed to any change in boundaries which might be related to a land exchange because it would set a very dangerous precedent. It is not because we're against land exchanges as such, but because we feel that certain environmental criteria must be met in the exchange.

As environmentalists in the valley, we find ourselves constantly reacting. So we're talking about getting together because we do believe there are BLM properties. They mentioned that there are properties all through the developed area that could be sold or exchanged. The infrastructure is available there and it would create no extraordinary environmental problems if the property were developed. And we feel that these properties could and should be made available for sale or transfer, but they should be disposed of at market value and all interested developers should have an opportunity to compete for them.

Clark County officials are having a difficult time as it is in attempting to manage the explosive growth in the valley. This becomes almost impossible if land exchanges are made over which they have little or no control. Right now under the Burton-Santini Act they can dictate BLM lands for sale, but they are not asking that the lands be sold. And it really hurts Nevada because five percent of any land sale under the Burton-Santini Act goes to the educational fund at the State level, and 10 percent goes to the county for park development.

I serve on the Clark County Parks and Recreation Advisory Board, and it has hurt them. You know, they can't acquire property. They've never really gotten a lot, but they did get something out of the Burton-Santini Act. But it's so important to them to try to manage growth in the valley and to try to get the growth in the developed areas with infrastructure that they're really foregoing the advantages they might gain from the Burton-Santini Act.

We urge you to leave the boundaries intact and to proceed with the expansion of this very valuable area.

Again, I wish to thank you, and I'll be pleased to answer any questions you might have.

Mr. VENTO. I'm especially intrigued by your paragraph on Clark County having difficulty managing explosive growth in the valley because it becomes almost impossible if land exchanges are made over which they have little or no control, and that would be this

example in this letter. What is the role of the country and/or the city in terms of the question that I raised with the BLM where you have the scattered site parcels to the south of the city?

Ms. COX. I suspect what has happened is growth is happening so fast that nobody has really had the time to sit down and look at that issue. As I mentioned, there are a number of areas where you have, you know, 5- or 10-acre parcels. Right now one of the hottest things for sale, if you can find it, is a 20-acre parcel for a small developer to come in and build some homes. You know, they're in an area where the water is available.

The big problem right now is that the valley is running out of its Colorado River allotment, and I mentioned to you we can't go into, you know the groundwater situation. The only possibilities may be using some of the groundwater down on the east side of the valley. It's near-surface groundwater and it's very saline.

One of the things the environmental groups have decided to do, and we're going to form to try to do this, is to try to identify lands in that valley that infrastructure is available and where the exchanges could be made. We would do that from the standpoint that there wouldn't be flooding problems; there wouldn't be drainage problems; water would be available; and it wouldn't create additional air pollution problems.

But to answer your question, I think the county has just simply been too busy to look at it.

Mr. VENTO. Well I hope that their responses and the response of the BLM indicate some sort of structure. Obviously I understand there are some enormously valuable lands in the business areas, and I'm not suggesting that we all of a sudden go into a fire sale and dispose of those, but I think where we have residential development potential or other type of development potential that we work to consolidate the lands. There may be some barriers to doing that in terms of, as you indicated, the lack of services in those areas, of groundwater where they had been permitted to put wells at one time and where they're restricted from doing it now.

The city and the county have of course filed numerous applications to obtain BLM parcels under the Recreation and Public Purposes Act. So they are involved in the overall effort to resolve the land status in the county. Unfortunately, this is sort of a grab-it-while-you-can approach, I guess, more than rational planning.

Ms. COX. Well you know what they tell me, and before I chatted with the people in the planning group and said, you know, what's your feeling on the Burton-Santini Act. They said literally there have been very few land sales, and the reason there have been very few land sales is because by the time they go to the water district and the sanitation district and parks and to the fire departments and everything and say well do you need any additional land, or the school district, and the school district at one point was talking about 100 new schools. So the best place to get those of course is using BLM land. So when they go through that process there really isn't very much left to sell under the Burton-Santini Act.

Mr. VENTO. Ms. Knight, your testimony is interesting with regards to the 880-acre addition. Obviously there has been a recognition of that by the BLM. You've done a very effective job in educating where the problems were. So it looks as though that listing of

the Blue Diamond cholla cactus, you know, with the inclusion of this we will probably diminish the need to list it as a Threatened or Endangered plant species, is that correct?

Ms. KNIGHT. Yes, sir, that's correct.

Mr. VENTO. Is the Joshua tree a true cactus?

Ms. KNIGHT. The Joshua tree is actually a tree form lily. It's not a cactus. It's spiny.

Mr. VENTO. Well I referred to it as succulent I guess.

Ms. KNIGHT. That's correct language.

Mr. VENTO. So I was correct. I had enough of my botany that I was able to recall. In any case, they have some outstanding specimens of it in that Mojave Desert area, is that correct?

Ms. KNIGHT. Yes, sir, they do.

Mr. VENTO. That's where it occurs, isn't it?

Ms. KNIGHT. I believe the area that Dave Wolf referred to is actually quite a bit further north, but the area that the Blue Diamond cholla occurs in is a wonderful cactus garden. It has approximately 24 of the 45 species of cactus that we have native in the State of Nevada, all three species of yucca and also a species of agave that is only indigenous to the Mojave.

Mr. VENTO. So it's cactus and these succulent lilies that we referred to?

Ms. KNIGHT. Yes, sir.

Mr. VENTO. The Joshua trees are in this location and this cactus garden, if we can use that euphemism—

Ms. KNIGHT. Yes, sir, are in another.

Mr. VENTO. Is that the 800-acre area?

Ms. KNIGHT. Yes, sir.

Mr. VENTO. It is the 800-acre area?

Ms. KNIGHT. Yes, sir, the cactus garden is inclusive in that.

Mr. VENTO. You're pointing out there is far more than just the Blue Diamond cholla in that location.

Ms. KNIGHT. Yes.

Mr. VENTO. Well that's very helpful to me and I would hope to the Members in terms of trying to avert problems, and that really is what the impetus might be in this case.

Has The Nature Conservancy, Ms. Knight, taken a position on the 4,000-acre issue?

Ms. KNIGHT. That's an area I actually do not know anything about. I have not seen the complete map before I came and I'm unfamiliar with that issue.

Mr. VENTO. It's going to be an issue. It is on an alluvial fan, and that is at least the basis for the BLM describing that there would not be anything special on it. Just being on an alluvial fan would not necessarily mean there is nothing special on it, would it?

Ms. KNIGHT. I would need to see the area.

Mr. VENTO. You would have to see it.

Ms. KNIGHT. Yes, sir.

Mr. VENTO. Well I probably did and still didn't understand. [Laughter.]

But I hope that you'll be able to give us more information on it.

Ms. KNIGHT. I would be pleased to.

Mr. VENTO. We could see it from a distance, but there weren't, as I recall, a lot of roads up there.

Are you aware of the Fish and Wildlife Service role and other types of endangered species like the desert tortoise or other areas that touch both the conservation area and other general BLM lands in the area in terms of problems such as with the tortoise?

Ms. KNIGHT. Well I do know that the critical habitat is not within the proposed area. So the issue that Mr. Hansen raised, it's mutually exclusive.

The Congressman in his redesignation of the Spring Mountains, his effort in that area to have it as a national recreation area added further protection to probably one of the biggest hot spots for rare and endangered species, and that is the Spring Mountains proper, the mountain mass itself.

Mr. VENTO. Well we worked on that 370,000-some-acre site. So that issue has been concluded.

Mr. Peyton, has the Sierra Club commented on the draft BLM resource management plan that you suggest, that the 4,000 acres at issue here would be suitable for disposal? Have you sent comments in on that?

Mr. PEYTON. No, we have not sent comments in. It came up so quickly for us, Mr. Chairman, that we have not.

Mr. VENTO. Well I know it's moving. You have an interest, and your position on the 4,000 acres is the inclusion in the NCA and not presenting it for disposal purposes, is that correct?

Mr. PEYTON. Every square inch, Mr. Chairman.

Mr. VENTO. Do you understand my concern or question with regard to the overall planning and what would or should be suitable for development or disposal?

Mr. PEYTON. No, sir, I don't.

Mr. VENTO. Okay. Well, my concern is that it's just sort of wherever interest is that's where the BLM responds in terms of disposal. Now that may be appropriate under some circumstances, but I don't know that it necessarily is appropriate when you have the types of pressures that are emanating from Las Vegas, excluding the high-value parcels in the commercial or business areas which I think have to represent a special case and special problem.

I do think the other areas need to have a better look, in terms of consolidating and providing for sale, even to the point where if there isn't water or there aren't water rights associated with it, we ought to be trying to facilitate a rational plan to deal with that particular concern vis-a-vis the final sale and/or the diversion of water for flooding purposes.

BLM's position reflects their planning process and groups concerned about such positions of course should get involved in that particular process, although I think, as Ms. Cox commented in defense, this is happening very, very quickly. The plan they are working on has been out for about a year according to BLM. So I think if you have an interest in this, you should comment on it.

One of the requests of the BLM in their testimony was that there is a plan that has been developed for the NCA which is due to be presented for comment this September 1994. One of their recommendations and requests is that if we in fact expand the NCA that the implementation date be pushed back two years.

You've not commented on the current NCA plans. You've got a couple of things going on. You've got the NCA plan that has been

in preparation and you've got the general land management plan, the resource management plans of BLM that go on in a continuous basis, and that's where emanates the 4,000-acre decision to possibly dispose of it. Of course they haven't made a decision and it's only a proposal at this time. And of course you've got the NCA land that is due this September. One plan is out, but the NCA plan for the existing NCA is not out. It gets a little complicated, and what seems to be clear in my mind is hard to convey to you.

So my question is, Do you have any view with regards to the NCA plan being delayed for two years or not?

Mr. PEYTON. We haven't discussed this at the board level at all, Mr. Chairman. This is something I'm just not aware of. So much of what happens to us in these land exchanges is we are placed in the reactive mode because, as you said, the BLM has not classified the land in any manner as to that which would be most desirable to engage in a land swap and that which is least desirable. So we find ourselves scrambling to catch up whenever we hear about these various land swaps.

Mr. VENTO. Well, you know, I think it's a case where events sort of eclipse the plan, and it might be in this case legislative action, but I think most often with regards to BLM, at least the events in and around Las Vegas, it's probably just the pressure for development. I mean I think the system is to make comments in terms of those things that people are most interested in. If this is failing and the only ones that are interested or participating are those involved with a special interest in terms of development interest or something, it is not a good commentary on the effectiveness of what is taking place in and around this valley and it then again reflects I think some of my concerns. Now there obviously are reasons and limitations, but I think that much of it remains to be and needs to be rationalized.

Ms. Knight, do you have any opinion on the delay of the NCA plan or are you involved in the planning process and commenting on the planning process at all?

Ms. KNIGHT. Yes, sir. We usually comment on all the plans in draft form as they come through and we review them for threatened and endangered species and ecosystem issues. Currently the management plan, pushing it back would probably not change the relationship we have with BLM in managing these small and relatively unknown populations of rare species which would be my largest interest.

Mr. VENTO. So you're not concerned with the delay of the NCA plan for two years if in fact Congress adds this addition of 93,000 acres?

Ms. KNIGHT. No.

Mr. VENTO. Ms. Cox, do you have any comment on that? Are you into the planning? It sounds like you were most flustered about the planning earlier, if I can use that phrase.

Ms. COX. Certainly, and as to your specific question, the League gets into so many areas that sometimes people forget we're also environmentalists. We may not be on the mailing list, but I have not seen the plan for it.

The other thing is I think a lot of us have just kind of focused on the lands that were identified within the boundaries of the Burton-Santini Act and have not really gone further than that.

Mr. VENTO. Well this is outside of it, but it obviously has an impact insofar as lands become available here. I mean if you wanted to focus on Burton-Santini or you wanted to focus on isolated parcels and remnants and so forth that need to be rationalized, then you don't keep opening up areas to other interests.

Ms. COX. Right. As I mentioned to you, we got a copy of the Burton-Santini Act, everybody has it, we're going to have another meeting and we're going to get together and what we're going to try to do is develop some criteria. We thought at first because we didn't know that much about the Burton-Santini Act that maybe we would, you know, call for an amendment to it, but in looking at it it looks like maybe we need just a fresh approach to the whole thing because I think we all have limited resources. Certainly those in Sierra Club do, and I know particularly the League does. So I think what we need to do is pool all of our resources.

I think the county now is in a mode where they really need to address this issue, too. In fact, even the State legislature is talking about looking at the Burton-Santini Act. I've talked to the State Assembly woman that's spearheading that and we've agreed we would work together. As I said, we're always reacting. And as far as the 4,000 acres, and I found out about the 4,000 acres, you know, I think last Tuesday.

Mr. VENTO. Well I think it has been discussed for a long time though. I know that when I made initial inquiries into the expansion of Red Rock and generally the management of the existing Red Rock that this came up almost immediately because the letter had been around for some time and BLM had had a planning process ongoing. I'm certain that they're trying to struggle with a variety of different problems, most of which are probably not appreciated by the testimony today.

But nevertheless I do think there may be some utility in looking at the Resource and Public Purposes Act and the Burton-Santini Act in the context of what we're doing here and try to bring some understanding to what the decision is that we're being asked to make by Congressman Bilbray and others today in terms of this particular designation. I don't think that it represents a stumbling block to this, but it does sort of speak I think to the more general concern which obviously is not being engaged as would be desirable by the various groups, whether it's the Sierra Club or others, and I'm certain other developers are also confused.

I know that when I was present in Las Vegas there was considerable discussion of land to the north that was being offered for disposal and utilization by the city and other developers north of Las Vegas and that it had been kind of a moving target in terms of what the negotiations were. So it was not a simple matter in terms of just trying to keep this on a simple basis with regards to these land trades. They get very involved and involve a lot of services, water, flood protection types of issues, endangered species and others that are obviously of interest to all of us in the committee and on the panel today.

I have no further questions at this time. I thank you for your preparation of the testimony. If you have any further comments that you want to submit for the record, I would ask you to do so in about ten days so that we can complete it have that available as we make decisions on this matter.

The meeting stands adjourned.

[The subcommittee adjourned at 11:43 a.m., subject to the call of the Chair.]



# APPENDIX

## ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

### STATEMENT OF SENATOR BRYAN REGARDING THE EXPANSION OF THE RED ROCK CANYON NATIONAL CONSERVATION AREA

March 8, 1994

Mr. Chairman, I appreciate your leadership and commitment to expediting this hearing on the expansion of the Red Rock Canyon National Conservation Area (H.R. 3050). I understand both you and your staff recently visited this area to see for yourselves how important this area is to southern Nevada. The importance of protecting this area as soon as possible must have hit home with you, as evidenced by your scheduling a hearing so expeditiously. For this, you have the gratitude of all those involved in this effort.

I would also like to thank my colleague, Congressman Jim Bilbray, for his lifelong commitment to preserving the environment of Nevada for present and future generations of Nevadans.

I share the desire to see Nevada's environment protected, and especially that of the Red Rock Canyon area, as I also grew up in southern Nevada and enjoyed this area immensely, along with my family. I am committed to working with Nevada's Congressional delegation, environmentalists and others to protect this fragile ecosystem that exists in southern Nevada.

By way of historical perspective, the Red Rock Canyon National Conservation Area was established in 1990 through the efforts of Congressman Bilbray, Senator Reid and myself. Our original legislation currently protects some 83,000 acres of land in and around the Las Vegas Valley. Even before the original legislation designating this area as a National Conservation Area was signed into law, we set our sights on the larger picture of protecting as much of this beautiful area as possible.

Your hearing today is a welcome signal to all involved in the effort to protect the Red Rock Canyon, as it sends a message to the folks back home that our goal of achieving Congressional recognition for this area is near fruition.

The bill before you today, H.R. 3050, adds vitally needed protection to an area rich in ecological and cultural heritage. Red Rock Canyon wildlife includes the desert tortoise, which is currently listed as a threatened species, desert bighorn sheep, wild horses and burros, and a host of many more animal and biological species. Varieties of plant species found nowhere else in the area are also included in this area.

While valid existing mining claims will be maintained, no new mining claims will be permitted. My office has been informed

by the Nevada Mining Association that they have no opposition to the legislation before you. I believe that speaks volumes about Congressman Bilbray's efforts to see that diverse interests were taken into account when he put this legislation together. Additionally, there will be no restrictions on hunting or hiking; however, off-road vehicle use will be limited to designated roads under a Bureau of Land Management (BLM) policy designed to cut down on dust air pollution in the Las Vegas Valley.

The protection of the Red Rock area has been part of an overall desire to see southern Nevada's environment protected both for a burgeoning population's use and enjoyment, and unfortunately, in some instances from abuse. By designating this area as a National Conservation Area, greater BLM resources can be dedicated to the conservation and management of the resources. Enhancement of public recreation opportunities that this unique area offers for the citizens of the nearby Las Vegas urban area is also important to remember, especially when you consider the area's population is rapidly nearing the one million mark. Recently, traffic jams have been so bad in the Red Rock Loop area that the BLM has been forced to propose interim corrective measures pending completion of a general management plan.

Today's legislation also adds importantly to an earlier effort on the part of the Nevada delegation to protect southern Nevada's environment. In 1992, we were able to designate the Spring Mountain's National Recreation Area, which now lists approximately 316,000 acres of the Toiyabe National Forest as a National Recreation Area.

The Spring Mountain range is a unique natural resource located about 35 miles west of Las Vegas, Nevada. When you couple the legislation before you today with existing Red Rock National Conservation Area and the Spring Mountains legislation, you get an environmental partnership that is a win-win situation for not only those in Southern Nevada concerned about the environment in which they live, but for the entire state of Nevada and country as well.

This legislation has great merit, and I urge rapid adoption. Thank you, Chairman Vento, for your efforts and that of your staff in processing this bill which is important to Nevada's citizens, and will be of even greater importance to the generations of Nevadans yet to come.



## SUPPLEMENT TO TESTIMONY RE: H.R. 3050

March 14, 1994

Chairman Vento and Members of the Subcommittee:

I am an ordinary citizen with a job. Late Friday afternoon, March 4th, I was about to call it a day when a call came into my office in Las Vegas asking if I could appear before your Subcommittee. The Sierra Club needed to convey its views on the issue of removing some 4,000 acres from the proposed expansion of Red Rock Canyon National Conservation Area. Because this is such an important issue for southern Nevada, I dropped everything and took two days of vacation time to travel to Washington and give our testimony. At the hearing, I was unable to answer some of the questions propounded, so this is a supplement to my testimony to answer those questions.

As you can see from the attached documents, the Sierra Club has been involved with the Stateline Resource Management Plan process since 1989. During this time, we have held a consistent position on land disposal questions. Our position can be summarized as follows:

- Land exchanges should be considered before outright sale of public lands.
- All land swaps should be coordinated with local governments to be sure the infrastructure is considered.
- There must be guidelines to mitigate the environmental impacts of land swaps. The net result of a swap should not be dirtier air or water in the Las Vegas metropolitan area.
- The BLM has a pattern of arbitrary and capricious decisions on land disposals in the Las Vegas Valley.
- The boundaries established by the BLM for land disposals in our valley are questionable. We even had to file requests under the Freedom of Information Act for documents which would explain how these boundaries were set.
- We want a framework established for these swaps so that there is consistency, and consideration given to the environmental impacts.

In looking through the attached documents, you will note that we have not commented on this particular 4,000 acre parcel in the past. The reason for this is simple. This 4,000 acres was not subject to being swapped when we commented in the past. Our position on the disposal of this parcel is consistent with comments we have made in the past on the proposed Stateline RMP.

We are particularly unclear as to where the BLM is in the Stateline RMP process. We can not tell

if they are following the old, outdated plan, or portions of the proposed, but not adopted plan. The end result is the BLM is making significant decisions involving public lands in southern Nevada with no clear guidelines, and often, with little or no input from the public or local governments.

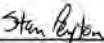
Therefore, we strongly oppose a two year extension of the Stateline RMP process. The BLM has held hours of public hearings on this matter, yet it has been in limbo for at least a year. They have enough material to go forward.

When the BLM does go forward, they are likely to be challenged which will result in further delays. The Sierra Club cannot tolerate more delays. If their deadline is going to be extended, it should be extended for no more than six months.

Finally, the 4,000 acres is all Category 2 desert tortoise habitat, which means it may be essential to maintain a viable population, according to the BLM's *Desert Tortoise Habitat Management on Public Lands, A Range-wide Plan*. The goal for Category 2 is to "halt further declines in habitat values." Building rock walls and red tile roofs on this land clearly conflicts with this goal.

We once again urge that this 4,000 acre parcel be included in the expansion of the Red Rock Canyon National Conservation Area.

Respectfully submitted,

  
\_\_\_\_\_  
Stan Peyton  
Toiyabe Chapter, Sierra Club



## SIERRA CLUB

Toiyabe Chapter — Nevada and Eastern California  
P.O. Box 8096, Reno, Nevada 89507

December 30, 1992

Stateline Resource Area Manager  
Attn. RMP Team Leader  
Bureau of Land Management  
4765 Vegas Drive  
P.O. Box 26569  
Las Vegas, NV 89126

Dear Mr. Wickstrom:

The Southern Nevada Group of the Sierra Club provides the following written comments on the draft "Stateline Resource Management Plan and Environmental Impact Statement." These comments may reiterate and complement previous oral comments that we have provided at earlier public meetings and hearings. Ms. Johanna Wald of The Natural Resources Defense Council shares our concerns that we have with this draft RMP and the RMP process. We trust that our comments, together with the comments of the Nevada Department of Wildlife and the U.S. Fish and Wildlife Service, will be given serious consideration.

### General

A number of major issues need to be resolved in the Stateline RMP. We believe the best way to resolve those issues, with input from the public, is to focus on each major issue separately and resolve the issue before moving to the next issue. The present process addresses all of the issues simultaneously and tries to resolve them all at once even though the issues are interrelated. The decisions made with one resource will likely affect the decisions for other resources. The present process used in developing the Stateline RMP seems destined to produce a document that will likely be challenged; consequently, issues that could be resolved will likely go unresolved while challenges to the Stateline RMP are advanced. We strongly suggest that the BLM consider restructuring the process being used to develop the Stateline RMP.

We also urge the BLM to incorporate into the text of their RMP basic goals, priorities, and logic that will be used to guide resource managers in carrying out the RMP over the years the document serves its purpose. By highlighting these items in the text of the RMP, the public can be asked to comment on the basics and allow the manager to exercise some discretion in carrying out the details of the plan as future conditions warrant.

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Las Vegas, Nevada 89119

*To explore, enjoy, and protect the wild places of the earth.*

GREAT BASIN GROUP  
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A common problem is that no milestones, budgets or priorities have been presented to allow us to know where the emphasis will be in carrying out the RMP, or how the projected tasks will be, or can be, accomplished. We would like to see some discussion of these items particularly when there is increasing pressure to reduce the money and manpower that the BLM will have available in the future for carrying out the RMP.

#### Land Disposal/Land Acquisition

Public lands are identified for disposal, but no private, environmentally-sensitive lands are identified for acquisition. We strongly recommend that the policy be established that public lands in Clark County shall be considered first for exchange with private, environmentally-sensitive lands in the state before outright sale is considered. Furthermore, a guideline of prioritized methods of disposal should be established with exchange at the top.

Greater efforts must be made to ensure that the land transactions are coordinated with local and state governments to ensure that the supporting infrastructure is in place to support the eventual development of the land. We have seen examples, such as the recently completed Mary's River land exchange, where the public land slated for disposal laid on the boundary of the Las Vegas metropolitan area, and local governments were unprepared and unwilling to provide the infrastructure to develop the land for some time.

Land that is transferred from the public to private sector in the Las Vegas metropolitan area places increased demands on the limited availability of water and decreasing air quality in the region. We expect that public land will be released for potential development only if it can be demonstrated that water is available for the land to be developed, and air quality in the non-attainment area can be expected to improve to attainment status even with development of all existing private land and the newly released public land.

We would like to see the BLM develop guidelines, in consultation with other government agencies and the public, for the mitigation of environmental impacts when public lands are transferred into private ownership in areas such as the Las Vegas valley. The recent IBLA decision on a proposed land sale in North Las Vegas emphasized that the secondary environmental impacts were important and needed to be addressed. Public land released for development should be done slowly so that land prices in an area are not depressed and the Federal government receives maximum value for the land. Disposing of land today that will not be developed for, perhaps, 25 years serves few people other than the speculators. The 700 acre per year limit on public land sales under Santini-Burton reflects the importance of the issues we have just highlighted.

We urge the BLM to consider a modification and expansion of Santini-Burton. The Southern Nevada Group of the Sierra Club has long opposed the boundaries identified by the BLM for their land disposals under the existing Clark MFP. We believe the boundaries were drawn arbitrarily and capriciously with little support from the record used to develop the last MFP.

We strongly disagree with the philosophy in this RMP that all possible locations for future land transactions should be identified - even if the water is unavailable for development of the

land. Additional public land does not need to be released in Sandy Valley, Pahump Valley, Amaragosa Valley, and Nelson, Nevada. Who wants the land? Why is it being identified? We believe the our general comment earlier applies: give us the priorities, logic, and goals that will govern the land manager in considering a land transaction, and we can consider it after the environmental impacts have been analyzed in a separate statement.

We oppose disposals in riparian areas in the public interest. High quality riparian habitat, accessible to the general public, is in short supply in Nevada.

### Utility Corridors

The present method for identifying utility corridors is flawed. While we agree in principal that early identification of utility corridors is useful for planning purposes, we disagree with the BLM's approach of identifying widths, rather than routes, (especially when the widths can be up to three miles wide). Identifying wide corridors can ensure that there will always be room in the future for addition of utilities, but an excessively wide corridor can lead to utilities doing very little to share the corridor and to reduce the environmental impacts within that corridor. We prefer a staged approach where new utilities are placed in close proximity to existing utilities and where proposals for new utilities be required to assess the additional environmental impacts that are associated with the new utilities. The BLM should establish guidelines that will encourage utilities to use such measures as double and triple circuiting of powerlines in sensitive areas to utilize the corridors efficiently..

Identification of a wide corridor through Rainbow Gardens goes against BLM and public desires that the area be protected and designated as a natural resource area. California utilities evaluated triple-circuiting as an option for locating additional powerlines through the area. If the BLM's RMP designates a three-mile-wide utility corridor through the area, there would be little incentive for any utility to consider innovative measures to reduce the environmental impacts of their proposed expansion.

We are not convinced that the Las Vegas District office has sufficiently considered the location of their utility corridors with adjacent BLM offices and state, local, and county governments. It would be useful to see a larger map to get a larger perspective on whether the utility corridors identified in the Stateline RMP are sufficient to meet the needs of a rapidly growing Southwest.

Insufficient information is presented in the draft document to determine whether the proposed utility corridors are necessary and whether the utility corridors will have a low impact on other resources, e.g. wilderness. The EIS for the Southwest Intertie was massive; yet, the Sierra Club found it to be inadequate in its discussion of the proposed need for the project, alternatives, and environmental impacts. If this effort is judged to be insufficient, how can we expect the effort for this draft RMP in evaluating utility corridors to be sufficient?

### Desert Tortoise

We are concerned that insufficient data exist on the numbers, health, age and sexual

distribution of desert tortoises in the areas that the BLM is identifying as critical desert tortoise habitat. Opponents of the listing of the desert tortoise as a threatened or endangered species voice the same concern. We do believe that listing of the tortoise is warranted considering the rapid loss of habitat in southern Nevada and the increasing use of our public lands; however, we are concerned that inadequate data will be used to establish acreage and boundaries of critical desert tortoise habitat that will prove, in the long run, to be inadequate to ensure that the tortoise will be removed from consideration under the Endangered Species Act. Fragmented habitat of insufficient size with inadequate land use controls are a concern to us. We are also concerned that the areas identified for protection under the various alternatives are based on inadequate data. We believe the BLM must highlight the need to obtain more data on the desert tortoise population in Nevada and to allow this data to be used to modify the size and location of the areas that they are currently identifying as critical desert tortoise habitat.

Obviously, steps have to be taken today to begin protecting some critical areas as the data is obtained on the tortoise. The often quoted 400,000 acre figure in the Clark County Habitat Conservation Plan is a start. We would hope that the areas that are chosen to achieve this target are chosen for the quality of the habitat and desert tortoise populations that they represent and not necessarily because they represent areas where minimal conflicts can be expected with other land uses. Again, we would hope that the BLM will identify priorities and milestones for the areas that they seek to protect and publish these in the final Stateline RMP.

The legislation Congress passed authorizing the transfer of BLM land at Apex to Clark County for an industrial park (P.L. 101-67) specified a Class 3 soil survey as a means of identifying past and present habitat that would be suitable for desert tortoises. We expect that this data will be incorporated into the decision-making process for this RMP.

#### **The Phainopepla**

A basic desire that we have is for no species to be listed as either threatened or endangered under the Endangered Species Act. Unfortunately, the loss of mesquite and habitat for the phainopepla in southern Nevada is of concern to the Club, and we would like to see the BLM identify areas of mesquite in southern Nevada that should be preserved for the bird that relies on this habitat. Measures to protect these areas today will help ensure that the phainopepla stays off the endangered species list.

#### **Off-Highway Use**

The Club supports additional restrictions on OHV use, particularly in desert tortoise habitat. Where OHV/ORV racing occurs this is particularly important. Additional commitment by the BLM must be made by the BLM to ensure that crowds and spectators are controlled to protect the tortoise and the fragile desert ecosystem.

We support the recommended 9180 acres for casual OHV use and all other OHV use should be on designated roads only. We are concerned that the Big Dunes area is being damaged by

uncontrolled OHV use and suggest additional measures be taken to protect this area.

### Grazing

The sections on livestock grazing are very disappointing. The draft RMP/EIS discloses significant impacts of livestock grazing to air and water quality as well as soil loss. Yet the RMP alternatives propose to continue essentially the status quo on livestock grazing except for changes mandated by the Endangered Species Act for the survival of the threatened desert tortoise.

1. Previous BLM plans: The underlying deficiency of the grazing sections is the lack of any connection between the draft RMP and the existing Clark County MFP and the Esmeralda-So. Nye RMP, other than a recitation of the elements of the Plans. No attempt is made in the RMP to disclose to the public whether and to what extent the Plans have been implemented since their completion in 1984 and 1986, respectively. The reader wonders whether BLM planning is a meaningless exercise and a Plan, once completed, is stuck on a shelf and ignored. Both previous plans required significant BLM commitments to monitoring and making changes in livestock grazing if Plan and allotment specific objectives were not met. The draft RMP promises this again. It appears that BLM has taken little or no action to implement these commitments and the EIS disclosed continuing significant adverse impacts of livestock grazing on vegetation, soils, water quality, and wildlife. The final RMP/EIS should disclose the extent to which the grazing elements of the existing land use plans have been implemented.

2. Basic information on the livestock grazing program: Information on grazing is contradictory and confusing. On p. 3-36, a statement is made that there are 55 grazing allotments with only 23 actively grazed (these are not disclosed). On p. 4-3, we are told there are only 20 active allotments (again not disclosed). In Table 3-21, 55 allotments are listed and 27 show 0 licensed AUMs from 1975-89, leaving 28 with some AUMs or a line in place of a number. On pp. 4-4 and 4-5, 15 "active" allotments are listed with quantified estimates of soil loss and 10 "active" allotments with saline soils and additional (?) soil loss. From Chapter 4, we learn that only 4 allotments provide a livelihood for the rancher (but not which 4) while "all other (not quantified)" are hobby ranches. Another problem - map legends on grazing among the alternatives. The legend on Map 2-11 (for alts. A, B & Preferred) on grazing contradicts the legend on Map 2-27 for alt. C. Map 2-2 for the No Action Alt. has no legend for grazing. A much more comprehensive, consistent and clear disclosure of information on allotments, active and non-active, economic and non-economic operations, the conditions of the active allotments (break out the condition lumping in Tables 3-12, 3-13, and 3-14), and which have what kind of management problems, would help clear up this contradictory, incomplete, and piecemeal information.

3. Allotment Evaluations: The amount of monitoring done (Table 3-22) on these allotments is outrageously poor. How can BLM manage livestock grazing if it does not regularly monitor livestock use? Without monitoring, how can BLM even evaluate whether land use plan and allotment specific objectives are being met and, if not, correct livestock overgrazing and other grazing mismanagement or whether permit conditions are being complied with?

Please disclose how many of these "allotments" have gone through allotment evaluations and when and which ones have had grazing decisions based on allotment evaluations.

4. Riparian Area Management: While we certainly support the inclusion in the draft RMP/EIS of the requirements of the BLM's Riparian-Wetlands Initiative for the 90's, we question whether BLM is able or willing to reach the standard of "75% of riparian areas in proper functioning condition by 1997." Of the 127 springs in the Resource Area, only 30 have been studied and condition and improvement potential evaluated (pp.3-24 and 3-25). That means we don't know this information on 97 springs. How will the BLM even know if 95 springs (75%) will be in proper functioning condition by 1997?

21 of the 30 springs are in "poor" condition and 11 have "none" or low potential for improvement. What actions can BLM conceivably take to bring these 21 springs plus the poor condition springs of the unknown 97 remainder to "proper functioning condition" by 1997? Looking in Chapter 2, we learn that BLM management directions are to "recognize the importance of riparian values," to "maintain or, where possible, improve riparian condition," to protect riparians through management of existing uses, and to fence a spring when it is "developed" for livestock. These directions are not much of a BLM commitment to riparian protection and do not inspire public confidence that BLM will actually do anything to protect riparians in satisfactory condition or correct livestock degradation of riparians in poor or fair condition. In fact, the draft RMP/EIS violates national riparian management mandates.

What we know about SRA riparians is that in 4 of the 5 alternatives, "concentration of grazing in riparian areas on 10 active allotments would significantly degrade those areas on 80 springs (approximately 40 acres of riparian)." What we don't know are whether any springs are currently fenced and protected, why BLM has continued to allow riparians to be degraded by livestock grazing since 1984 and 1986, what is meant by the "action" in all alternatives "complete at least 15 spring-associated riparian projects" annually. If the BLM intends to implement this action, why does the draft EIS show continuing riparian degradation of 80 springs? How many "spring-associated riparian projects" are being done annually now?

The only three BLM actions we believe (and support) which may benefit riparians are the incorporation of Sec. 7 stipulations in all desert tortoise allotments and the management directions "if utilization levels are exceeded livestock will be removed from the allotment" and "livestock grazing on all ephemeral allotments will only be allowed if on-the-ground evaluations determine that forage is available and that it can be grazed without detriment to riparian vegetation." Unfortunately, if the level of BLM monitoring is not significantly increased, these 3 BLM directions will not be implemented. Please include in the final RMP/EIS what types of monitoring and the monitoring schedule for each allotment in which BLM permits livestock grazing.

5. Allotment Priorities: BLM should prioritize the active allotments given continued limited staff and funding resources. BLM should eliminate or close all inactive allotments and remove them from the RA maps.

6. Range Improvements: We totally oppose the Christmas wish list of so-called "range improvements" found on p. 4-16, including 185 miles of fence, 20 cattleguards, 7 wells/tanks, 10 spring developments, 56 miles of pipeline, 59 cattle troughs, 4 reservoirs, and 2 water hauls (whatever these are). These are grossly outrageous subsidies to predominantly hobby ranchers who are destroying the desert environment with little or no monitoring or management by the BLM. These are not cost-effective projects. They are not necessary. They are extremely damaging to the desert environment, including the desert tortoise. They should be removed from the final RMP/EIS.

#### **Wilderness**

The BLM is making plans in the RMP for wilderness study areas (WSAs) that they are not recommending for wilderness. The choice of what areas become wilderness is ultimately a choice that must be made by Congress.

The draft RMP is not clear on the status of the existing IMPs for the WSAs. We believe the drafters of this RMP should evaluate the effectiveness of the IMPs and recommend changes when necessary.

#### **ACECs**

We support establishment of all the ACECs that were recommended. It is important that management guidelines be developed specifically for those areas to highlight the features worthy of protection and to allow the public to know what uses will be permitted and prohibited. We would expect that mining activities in most of the areas would be incompatible with the natural features that were worthy of protection. In any event, guidelines need to be established prior to the designation of the ACECs to ensure the public that the right decisions were being made for the resource.

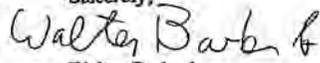
Not all of the area in the Habitat Conservation Plan area for the tortoise lies within ACECs. We think it should. This raises again our earlier point that guidelines need to be developed for each ACEC on a case-by-case basis to ensure that the basic values, for which the ACEC was established, are protected.

The legislation Congress passed authorizing the transfer of BLM land at Apex to Clark County for an industrial park called on the BLM to furnish to Congress a report on future ACECs in Nevada. We did not find any reference to this report in the draft RMP.

We have previously voiced our concerns at public meetings on the designation of the Sunrise Mountain area as an ACEC or natural resource area. We would like to see the BLM establish a presence in the area and offer interpretative exhibits to highlight the unique natural features of the area. The BLM seems to share our concerns that the area should be protected; yet, the draft RMP contains a proposal for an extensive expansion of the utility corridor through this area. As we indicated in our comments on utility corridors, we urge the BLM to take another look at the process they use in designating utility corridors in southern Nevada where they may affect ACECs.

Thank you for the opportunity to comment on your long range plans for the public lands in southern Nevada. We look forward to working with you in the future on an admittedly tough task.

Sincerely,

A handwritten signature in cursive script that reads "Walter Barbuck". The signature is written in dark ink and is positioned to the left of the typed name.

Walter Barbuck  
Vice Chairman  
Southern Nevada Group



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
 STATELINE RESOURCE AREA  
 4765 VEGAS DRIVE  
 P.O. BOX 26569  
 LAS VEGAS, NEVADA 89126



US MAIL PERMIT NO.

1600  
 1610 STL  
 (NV-050)

MAR 2 9 1990

Dear Concerned Citizen:

The Bureau of Land Management (BLM) has begun preparation of a resource management plan/environmental impact statement (RMP/EIS) for the Stateline Resource Area, Las Vegas District. This resource area is currently administered under the Clark Management Framework Plan (Clark MFP), completed in 1983, and the Esmeralda-Southern Nye RMP/EIS, completed in 1986. These land use plans have proven to be inadequate to meet the demands resulting from rapid growth (Las Vegas, Laughlin, Pahrump, Mesquite) and the listing of the desert tortoise as an endangered species. Rather than amend the current plans on a single issue basis, the decision has been made to prepare a single RMP/EIS for the entire planning area. The Stateline RMP/EIS will provide new management goals, objectives, and direction where needed, but will also bring forward, from the existing land use plans, those management goals, objectives, and direction that are still valid.

The purpose of the scoping report is to inform you of BLM's planning action, the geographic area affected, objectives and description of the planning process, the anticipated issues, preliminary planning criteria, and preliminary alternatives, the composition of the interdisciplinary planning team, the kind and extent of public participation activities, area of critical environmental concern (ACEC) nomination procedures, commenting procedures, and the appropriate BLM offices to contact for further information.

If you wish to participate in the Stateline RMP/EIS process, you must submit your name and/or comments to the Area Manager, Stateline Resource Area, P.O. Box 26569, Las Vegas, Nevada, 89126; your comments must be received by May 4, 1990 in order to be included in the scoping process. In addition to submitting written comments, oral comments may be given at nine informal public workshops to be held throughout the planning area (see the scoping report for dates, locations, and times of the workshops).

Thank you for taking the time and effort to become involved in the Bureau's planning process. If you have any questions, please contact Roger Alexander, RMP Team Leader, at (702) 646-8800.

Sincerely,

  
 Runore Wycoff  
 Area Manager

Enclosure

## STATELINE RMP/EIS SCOPING REPORT

## I. INTRODUCTION

The Bureau of Land Management (BLM) has begun preparing a single RMP/EIS for the Stateline Resource Area, Las Vegas district. The Stateline Resource Area is currently administered under the Clark Management Framework Plan (Clark MFP), completed in 1984, and the Esmeralda-Southern Nye RMP/EIS, completed in 1986. These land use plans have proven to be inadequate to meet the demands resulting from rapid growth (Las Vegas, Laughlin, Pahrump, Mesquite) and the listing of the desert tortoise as an endangered species. Rather than amend the current plans on a single issue basis, the decision has been made to prepare a single RMP/EIS for the entire planning area. The Stateline RMP/EIS will provide new management goals, objectives, and direction where needed, but will bring forward, from the existing land use plans, those management goals, objectives, and direction that are still valid.

The Stateline RMP/EIS will be prepared on an accelerated time-frame; the planning process is scheduled to be completed by May, 1992.

## II. THE GEOGRAPHIC AREA COVERED BY THE RESOURCE PLAN

The Stateline Resource Area includes public lands comprising approximately 4.2 million acres in Clark and Nye Counties, Nevada. A copy of the map depicting the involved lands is included in this report; additional copies are available for public inspection in the following office:

Stateline Resource Area Office, 4765 Vegas Drive, Las Vegas, Nevada.

## III. OBJECTIVES OF PLANNING

The goals and objectives of scoping are to inform the public of the actions that are being considered by BLM. Direct participation in the planning process will allow the public and other government entities to express opinions and concerns on the proposed actions, contribute to a thorough analysis of the alternatives and to improve the decision making process. Information received from the public during scoping will aid in formulating the issues and planning criteria that guide and control future management actions. In addition, potential areas of critical environmental concern (ACECs) should be nominated at this time. Comments received on the Draft RMP/EIS will help insure technical adequacy, analytical accuracy and identify necessary changes. The public response to the Proposed RMP/Final EIS will be used for coordination and consultation. The Approved RMP/Record of Decision will inform the public of land use and resource management decisions.

The following steps will involve public participation:

A. A Notice of Intent (NOI) in the Federal Register, news releases, and letters to individuals and groups on the RMP/EIS scoping list will introduce the public to the scope of the project and to the anticipated planning issues, preliminary planning criteria, preliminary alternatives, and ACEC nomination procedures. Informal public workshops have been scheduled and will be announced through both the NOI and by direct public contact through letters and the public news media. This step is scheduled for late March, 1990.

B. A scoping document which outlines the anticipated issues, preliminary planning criteria, preliminary alternatives, and ACEC nomination procedure will be sent to individuals and groups included on the RMP/EIS mailing list. This step is scheduled for late March, 1990.

C. Following distribution of the Draft RMP/EIS, there will be a 90-day public review and comment period. Written comments regarding the technical adequacy and accuracy of the Draft RMP/EIS may be submitted during this review period. In addition to written comments, a series of public meetings will be scheduled throughout the planning area to receive verbal comments. This step is scheduled for mid-January to mid-April, 1991.

D. The Governor's Consistency Review on the Proposed RMP/Final EIS allows the State to Comment on consistency between State and Federal land use plans. This step is scheduled for mid-September to mid-November, 1991.

E. Following distribution of the Proposed RMP/Final EIS, there will be a 30-day protest period; protest procedures will be described in detail at that time. This step is projected to occur from early October to early November, 1991.

F. Publication of the Approved RMP/Record of Decision is scheduled to occur in May, 1992, pending the resolution of any protests.

Only those persons or organizations that have participated in the planning process and thereby established an "affected interest" status may protest the Proposed RMP/Final EIS; in addition, protests may only raise those issues which were submitted for the record during the planning process (43 CFR 1610.5-2). Therefore, it is important that your comments be in written form so that your ideas may be fully documented, analyzed, and utilized.

Please take the time to review the anticipated issues, preliminary planning criteria, and preliminary alternatives carefully and critically. Your opinions and advice will be useful in developing Stateline RMP/EIS. Modifications may be made to the anticipated issues, preliminary planning criteria, and preliminary alternatives on the basis of your comments. Any changes made to the anticipated issues, preliminary planning criteria, and preliminary alternatives will be subject to an additional public review period.

#### IV. RESOURCE MANAGEMENT PLANNING PROCESS

The BLM planning process follows the planning requirements in Section 202 of the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, and final rule making adopted on July 5, 1983 (43 CFR Part 1600). The process is made up of nine basic steps as outlined below. The Stateline RMP/EIS is currently at the initial stage of issue identification and the establishment of planning criteria.

- A. Identification of issues
- B. Planning criteria
- C. Inventory data and information collection
- D. Analysis of the management situation
- E. Formulation of alternatives
- F. Estimation of effects of alternatives
- G. Selection of preferred alternative
- H. Selection of the RMP
- I. Monitoring and evaluation

#### V. GENERAL TYPES OF ISSUES ANTICIPATED

The public is invited to participate in the identification of issues related to the Stateline RMP/EIS. The following are anticipated planning issues identified by BLM:

- A. LAND TENURE  
The existing land use plans for the Stateline Resource Area identified public lands for disposal (transfer from Federal ownership); the identified lands have not, however, entirely satisfied the demand for large tracts of land for industrial purposes or community expansion, nor have the identified lands always been located in areas that are responsive to local needs.
- B. DESERT TORTOISE  
Desert tortoise habitat occupies approximately three million acres (71%) of the planning area; a majority of the programs administered by Stateline Resource Area occur within that habitat. The listing of the desert tortoise as an endangered species requires management actions and changes in land uses not currently provided for by the two existing land use plans.
- C. MINERAL DEVELOPMENT  
Sand and gravel operations, while essential to the growth and development of southern Nevada, are often in conflict with the predominate land use of the local communities (residential or business). In addition, mineral exploration and development activities can adversely impact desert tortoise habitat and other natural and recreational values.

- D. OFF-HIGHWAY VEHICLE (OHV) USE  
Existing OHV use designations are often in direct conflict with management objectives for desert tortoise habitat and other uses of the public lands, including the Colorado River Salinity Control Program, bighorn sheep habitat management, livestock grazing, non-motorized recreation, protection of natural values, and air and watershed management.
- E. RANGELAND CLASSIFICATION  
The recent drought in Nevada, the listing of the desert tortoise as an endangered species, and competing demands for the use of the public lands have called into question the existing rangeland classification in the planning area. The permittees and lessees generally want the public rangelands reclassified as ephemeral-perennial, while other segments of the public and other management agencies such as US Fish and Wildlife Service and the National Park Service want the existing ephemeral classification to be retained and the rangelands managed accordingly.
- F. SPECIAL MANAGEMENT AREAS/ACECS  
There is increasing public pressure to protect natural, recreational, and scenic values on the public lands. In order to protect these values, it is often necessary to use a special management designation, such as an ACEC, to direct management attention towards limiting or eliminating competing and conflicting uses and managing for a dominate use.
- G. UTILITY CORRIDORS  
The demand to locate major utility transmission rights-of-way in the planning area has always been high, and is expected to continue; in order to minimize conflicts with other uses of the public lands, utility corridors need to be designated.

#### VI. PRELIMINARY PLANNING CRITERIA

The public is invited to participate in the development of planning criteria to guide data collection, analysis, and decision making during the planning process.

Preliminary planning criteria for the Stateline RMP/EIS that are in addition to legal, regulatory, and BLM manual requirements, are as follows:

- A. The Stateline RMP/EIS will make planning determinations for all public lands located within the planning area boundary, including those public lands administered by other BLM offices.
- B. The Stateline RMP/EIS effort will rely on available inventories of the lands and resources in the planning area to reach sound management decisions. Those decisions requiring additional inventories will be deferred until such time as the inventories can be conducted.

C. In accordance with BLM Manual 1620, the following resources will not be analyzed nor have determinations made in the Stateline RMP/EIS:

Coal - The resource is potentially present in the planning area, but not in sufficient quantity or quality to warrant demand or interest by industry or the public (1620.06A.). If, in the future, new technology becomes available and/or demand increases, a plan amendment will have to be prepared before any coal-related activities can be authorized.

D. All valid existing management decisions from the Clark County MFP and the Esmeralda-Southern Nye RMP/EIS will be brought forward into the Stateline RMP/EIS.

E. Decisions about specific range, wildlife, and watershed improvements will not be made in the RMP/EIS, but rather in subsequent activity-level plans (habitat management plans, allotment management plans, etc.) designed to implement the Stateline RMP/EIS decisions.

F. Management use and protection of water, water sources, riparian zones, and other related values will be given a high priority.

G. Geographic Information System (GIS) will not be used, except in those cases where the information is currently digitized and available.

H. Watershed determinations will be based on hydrographic basins.

I. The Stateline RMP/EIS will incorporate a method for amending the plan on a regularly scheduled basis.

J. Wilderness study areas that are not designated as wilderness by Congress will be "released" from further study; The Stateline RMP/EIS will therefore make determinations concerning the management of all wilderness study areas in the planning area on the contingency that they may be "released".

K. Management Concerns (those matters that do not qualify as issues but need to be analyzed) will be identified in the Draft RMP/EIS.

L. Wilderness recommendations will be made for approximately 15,000 acres of public lands adjacent to Valley of Fire State Park (which were inadvertently left out of the wilderness inventory process) and for all lands acquired since the wilderness inventory was initially completed (including the SUMMA lands).

M. All public lands identified for disposal outside of areas with specific legislative authorities such as Santini-Burton, Ft. Mojave, and Eldorado Valley will be disposed of by the most appropriate method.

## VII. PRELIMINARY PLAN ALTERNATIVES

The public is invited to participate in the formulation of alternatives to be analyzed in the RMP/EIS.

No-Action Alternative

The No Action Alternative is the continuation of current management direction under existing land use plans, Memoranda of Understanding, cooperative agreements, and activity plans.

Other Alternatives

No other alternatives have been developed or conceptualized at this stage of the planning process. The intent of BLM is to develop, with public input, a range of alternatives that will eventually result in the best use(s) of the public lands in the planning area.

## VIII. ACEC NOMINATION PROCEDURES

Individuals or organizations submitting nominations for ACECs must include the following information for each potential ACEC:

- A. Name, location, and size of each potential ACEC.
- B. A description of the value, resource, system, or hazard requiring special management attention (this information will be used to evaluate the relevance and importance of each potential ACEC).
- C. Provision(s) for special management attention (this information will be used to develop management goals, objectives, and direction for each designated ACEC, if any).

## IX. LOCATION OF PLANNING DOCUMENTS

Planning documents and other pertinent materials may be examined at the Stateline Resource Area Office located at 4765 Vegas Drive, Las Vegas, Nevada, between 7:30 a.m. and 4:15 p.m., Monday through Friday.

## X. HOW TO COMMENT

Written comments on the anticipated issues, preliminary planning criteria and alternatives, and nominations for potential ACEC's should be sent to the Area Manager, Bureau of Land Management, Stateline Resource Area, P.O. Box 26569, Las Vegas, Nevada, 89126. If you prefer, your comments may be submitted on the attached comment/response form. Comments must be received by May 4, 1990 in order to be considered in the scoping process. If you prefer to comment in person, please plan to attend one of the following informal public scoping workshops:

Tuesday, April 17, 1990; 7:00 pm to 9:00 pm; Las Vegas District Office (BLM); 4765 Vegas Drive, Las Vegas Nevada.

Wednesday, April 18, 1990; 7:00 pm to 9:00 pm; Las Vegas District Office (BLM); 4765 Vegas Drive, Las Vegas, Nevada.

Thursday, April 19, 1990; 7:00 pm to 9:00 pm; Las Vegas District Office (BLM); 4765 Vegas Drive, Las Vegas, Nevada.

Tuesday, April 24, 1990; 7:00 pm to 9:00 pm; Virgin Valley High School; 136 North Yucca, Mesquite, Nevada.

Wednesday, April 25, 1990; 7:00 pm to 9:00 pm; Laughlin School; 2750 South Needles Highway, Laughlin, Nevada.

Thursday, April 26, 1990; 7:00 pm to 9:00 pm; Searchlight Nugget Casino; 100 North Highway 95, Searchlight, Nevada.

Monday, April 30, 1990; 7:00 pm to 9:00 pm; Beatty Community Center; Beatty, Nevada.

Tuesday, May 1, 1990; 7:00 pm to 9:00 pm; Pahrump Community Center; 150 North Highway 160, Pahrump, Nevada.

Thursday, May 3, 1990; 7:00 pm to 9:00 pm; Las Vegas District Office (BLM); 4765 Vegas Drive, Las Vegas Nevada.





July 18, 1989

Ben Collins  
Las Vegas District Manager  
Bureau of Land Management  
P.O. Box 26569  
Las Vegas, NV 89126

COPY

Dear Mr. Collins:

Recent proposals and actions involving the exchange or sale of public lands in southern Nevada concern the Sierra Club. There appears to be little long range planning and analysis of the impacts, and public involvement appears to be limited. We are writing to learn of the BLM's current and proposed plans for the acquisition, sale, or exchange of public lands in the Las Vegas District, and we would like to know what opportunities exist for us to review and comment on those plans.

Two recent activities are of particular concern because they do not appear to conform to the District's planning process, and they establish significant precedents for future real estate actions. The District has, according to newspaper accounts, approved the sale of a large block of public land in the Las Vegas valley to the City of North Las Vegas for sale to private developers. The District has also apparently expressed support to the Del Webb Corporation for a large scale land exchange involving lands in Alaska. How do these actions impact the Santini-Burton land exchanges? Do these exchanges fall within the basic land management plan for the District, and what opportunities have been provided for public comment?

The Club is concerned that realty actions by the District can have a significant impact on property values, local infrastructure, transportation as well as on traditional environmental areas such as air quality, wildlife and recreation. Urban sprawl in the Las Vegas area should not be promoted through the premature disposal of public lands that could be retained for later sale or exchange. Our public lands are assets, like money in the bank. We are concerned that our lands, which are designated for eventual disposal through the District's planning and public involvement processes, are not disposed prematurely for short-term gains.

We look forward to hearing from you. A written response addressing our concerns and questions is requested, but we understand that it may be advantageous for conversations also. I may be reached at either home (458-

6140), or at work (295-0285).

Sincerely,

Dave Brickey  
Conservation Chair  
Southern Nevada Group



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
 LAS VEGAS DISTRICT OFFICE  
 4765 VEGAS DRIVE  
 P.O. BOX 26369  
 LAS VEGAS, NEVADA 89126



IN REPLY REFER TO:

2000  
 (NV-050.1)

AUG 9 1989

Sierra Club  
 Mr. Dave Brickey  
 P.O. Box 2096  
 Reno, NV 89507

Dear Mr. Brickey:

Thank you for your letter of July 19, 1989 concerning lands actions in the Las Vegas area.

Land disposal areas are identified through the BLM land use planning process which does require public involvement. The land use plan for the Stateline Resource Area, which includes all of Clark County, was finalized in 1983. A new process is scheduled to begin in the next fiscal year, depending upon funding and personnel. All land sales, exchanges and Recreation and Public Purpose (R&PP) leases are published in the Federal Register through a Notice of Realty Action (NORA) and the public is invited to comment at that time. Santini-Burton lands are the only pre-action sales made by this agency. Most other sales, leases, and exchanges are initiated by the parties. (We did grant ourselves a temporary administrative site for a fire and ranger station this year.)

The North Las Vegas sale you mentioned has been proposed by the city. The intent of the North Las Vegas sale as stated by that community is to allow the community to better plan for its own future. It conforms with the land use plan and is within a disposal area outside of the Santini-Burton boundary. The environmental document which has not yet been prepared, will include several alternatives such as sales in much smaller blocks and a no action (no sale) alternative. The NORA has not yet been published on this proposed sale. The BLM is willing to consider this proposed sale. Because of its size Congressional notification will be required. The acreage identified for disposal will depend on the results of the environmental analysis.

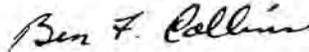
We were not aware of the Alaskan proposal until you brought it to our attention and have no more details than in the attached letter. The letter copy came to us on July 25 from the Nature Conservancy. This district has not to date been approached by the Del Webb Corporation. The lands proposed by Del Webb for exchange in Laughlin and Las Vegas (except for those in Sections 6 and 7) are outside the disposal area identified in the land use plan. As such they could not be disposed of unless a land use plan amendment, or the revised land use plan was completed. In addition, current exchange regulations do not allow for exchange of lands or interest therein across state boundaries and such an exchange would require Congressional authorization.

Neither of these actions impact the Santini-Burton legislation except possibly through use of staff time and resources.

With regard to your concern about premature disposal of lands, I'm not sure how this agency, the public, or anyone else determines when a sale is premature or how long to hold onto a piece of land before sale/exchange. That is all part of the planning, environmental and political processes by which the decisions are made. It was those decisions which resulted in the Apex legislation and Congressional intent to sell to Clark County approximately 22,000 acres for use as an industrial park.

I hope this has addressed some of your questions and concerns. Please feel free to call upon us at (702) 646-9800.

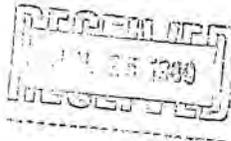
Sincerely,



Ben F. Collins  
District Manager

Del Webb Corporation

July 12, 1989



Ms. Sally Kabisch  
Sierra Club  
5424 College Avenue  
Oakland, CA 94618

Dear Sally:

Thank you for taking the time to talk to me regarding the possibility of a land exchange involving Koniag's Alaskan oil and gas rights for Nevada BLM land.

As I indicated, we are only in the preliminary stages of exploring all of the possibilities, and, in fact, have not to date talked with any public officials in Nevada (City of Las Vegas, City of Laughlin, Clark County, Governor's Office, Nevada State Legislators) even though, as I mentioned, we did meet in Washington, D.C. with the Nevada Congressional delegation.

I have attached maps showing the areas Webb has an interest in, both near Las Vegas and Laughlin. There are many competitive claims on these lands (Indian allotments, airport lease applications, three types of mining claims), which would probably give us access to less than half of the 10,000 gross acres listed.

At some point in the future, after your Nevada representatives have had a chance to look at the property in question, we would appreciate the opportunity to meet with representatives of the Sierra Club and discuss a future course of action which might prove beneficial to both our interests.

Sincerely

*Ed Wren*  
Ed Wren  
Public Relations Counsel



## SIERRA CLUB

Toiyabe Chapter — Nevada and Eastern California  
P.O. Box 8096, Reno, Nevada 89507

November 11, 1989

Mr. Ben Collins  
Las Vegas District Manager  
P.O. Box 26569  
Las Vegas, NV 89126

Dear Mr. Collins:

This is a request under the Freedom of Information Act for documentation and maps used to support the BLM's decision to dispose of public land within the Las Vegas Valley but outside the Santini-Burton boundaries. Specifically, the Club seeks a copy of the Las Vegas Valley Sub-Unit MFP 1 Disposal Opportunities Overlay as described in the 1983 Management Framework Plan -Step 1 for Clark County. A list of supporting documentation (e.g., correspondence, supporting documents, etc.) used to support the development of this overlay is requested. The Club also seeks a list of names of people who prepared, contributed to, or commented on the MFP with respect to the disposal of lands within the Las Vegas Valley.

The Club is willing to pay duplication expenses for the materials up to a maximum of \$5.00. If you estimate that the fees will exceed this limit, please inform me first.

Please send the materials to our Las Vegas address.

Sincerely,

Dave Brickey  
Conservation Chair - Las Vegas Group

LAS VEGAS GROUP  
P.O. Box 19777  
Las Vegas, Nevada 89119

*To explore, enjoy, and protect the wild places of the earth.*

GREAT BASIN GROUP  
P.O. Box 8096  
Reno, Nevada 89507



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
 LAS VEGAS DISTRICT OFFICE  
 4765 VEGAS DRIVE  
 P.O. BOX 26369  
 LAS VEGAS, NEVADA 89126



IN BEPI'S BEER TO

1630  
 (NY-053)

MAR 13 1990

Ms. Deborah S. Reames  
 Sierra Club Legal Defense Fund, Inc.  
 2044 Fillmore Street  
 San Francisco, California 94115

Dear Ms. Reames,

Following is information in response to your Freedom of Information Act requests.

1. The 1983 Amendment to the Clark County Management Framework Plan.

In 1983 a Management Framework Plan was completed covering Clark County. This plan was an update and revision of the original MFP for the area which was completed in 1975. The 1983 MFP was not an amendment but rather a complete updating of the original to reflect not only major changes in uses but also significant changes in legal and regulatory aspects. The 1983 process took place at a time when the BLM was changing its planning system to what is now called a Resource Management Plan, (RMP). The planning process to the extent possible followed the concept and process for an RMP.

In 1985 and 1986 an effort was made to amend the 1983 MFP with regard to sand and gravel leases. The proposed amendment was protested and a final resolution is still pending.

At this time BLM is initiating a new planning effort for the Stalene Resource Area which will include the area covered by the Clark MFP. Public scoping is tentatively scheduled to begin in mid to late April, 1990, and the Approved RMP is scheduled for May, 1992. This effort is intended to bring BLM planning into a current relativity with the rapidly changing management environment. This plan will be known as the Stalene Resource Management Plan. For more information on this new planning effort, contact Mr. Roger Alexander at 702-646-8800.

Other planning efforts that have gone on in the intervening years since 1983 include intensive planning for off road vehicles and for grazing and wilderness. The plans for ORVS and grazing were called Coordinated Resource Management Plans (CRMPS). These plans were not framework or comprehensive resource management plans but were rather designed to solve conflicts between resource uses. The wilderness review was legally required.

The wilderness analysis and recommendations, federal legal requirements for land sales and disposals for special purposes, the recent listing of the desert tortoise as an endangered species, and the unprecedented growth in the human population in southern Nevada are all factors dictating bringing planning up to date.

2. The circulation list for the draft Amendment indicating to which federal, state and local agencies and members of the public the draft was sent for review and comment;

The 1983 plan was not an amendment. The planning process over the period of 1981 to 1983 involved full public coordination including workshops, public meetings and commenting periods. Unfortunately we have not been able to find the files to document this effort. The process has been verbally confirmed with BLM employees who were associated with the effort.

3. Any public notices relating to the Amendment process;

Enclosed are copies of news releases, memorandums and letters referring to the 1983 plan. While these are evidence of the process they are not a complete record. The most likely remaining source for any documentation of the effort would be the Federal Records Center. This would require at least 30 days minimum.

4. Notices of any public meetings held in connection with the Amendment and lists of attendees of such meetings; and

See 3 above.

5. All comments received by BLM regarding the draft Amendment.

See 3 above.

With regard to your requests for information about lands within the Las Vegas Valley but outside the Santini-Burton boundaries the following information is enclosed:

1. Federal Register Notices of Realty Action or citations to such notices published since January 1, 1989, together with a listing of the current status of such proposed sales. See attached.

Status: a. N-48199 - parcel sold

b. N-51785 - parcel currently withdrawn from sale because of zoning denial by Clark County.

c. N-50469 - BLM commented on the draft preliminary Environmental Assessment being prepared by an environmental consultant

2. A list of lands sold since January 1, 1989 or currently under consideration for sale without competitive bidding.

See 1b and 1c.

3. A list of all BLM sales since January 1, 1989 and all currently proposed sales of lands within the following township areas: T. 19 S., R. 60 E., sec. 1-18; T. 19 S., R. 50 E., sec. 19-36, T. 19 S., R. 61 E., sec. 19-36.

See Notices of Realty Action for N-48199 and N-50469.

In conclusion, we have attempted to respond as thoroughly as possible to your request while hopefully clarifying the past history and status of land planning efforts in relationship to the referred 'Amendment'.

We will send you a complete itemization of costs separately.

I invite you to contact Mr. Alexander with regards to issues you feel should be addressed in the Stateline RMP. Certainly, we would like this plan to provide critically needed management guidance for the area in the dynamic growth period ahead.

Sincerely,



Ben F. Collins  
District Manager

14 Enclosures

1. MFP 1983
2. MFP Summary Jan. 1984
3. FR Notice N-48199
4. FR Notice N-51785
5. FR Notice N-51785
6. FR Notice N-51785 correction
7. FR Notice N-50469
8. BLM News Release 1/10/80
9. Letter-District Manager March 5, 1981
10. BLM State Director Memo 7/23/81
11. BLM State Director Letter to Governor 12/9/83
12. BLM News Release 1/6/84
13. Letter FWS to BLM 1/24/84
14. Memo BLM S Director to Director 7/31/85



JMB  
Natural Resources  
Defense Council

71 Stevenson Street  
San Francisco, CA 94105  
415 777-0220  
fax 415 495-5996

January 15, 1993

Bill Templeton, State Director  
Bureau of Land Management  
850 Harvard Way  
Reno, NV 89520

VIA FAX

Re: Freedom of Information Act Request

Dear Director Templeton:

As you know, the Natural Resources Defense Council, Inc. (NRDC) and the Sierra Club have long been concerned about the impacts of livestock grazing on federal lands and resources in Nevada, including especially the impacts to imperiled species like the desert tortoise. In order to help ensure that the Bureau of Land Management (BLM) addresses these concerns, we have participated in land use planning for many public land areas in the state throughout the past two decades. In particular, we participated in the development of the Clark County Management Framework Plan (MFP), which was completed in 1984, and, more recently, we submitted comments on the draft environmental impact statement and proposed Stalene Resource Management Plan (RMP), which will replace the Clark MFP when completed. In order to ensure that our continued participation in development of the Stalene RMP is effective and based on all relevant information, I respectfully request that you send me copies of all correspondence you have received and sent regarding changing the classification of ephemeral allotments, which was done in connection with the Clark MFP and which we supported, to either perennial or ephemeral/perennial.

This request is made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (1982), and Interior Department regulations thereunder, 43 C.F.R. Part 2, Subpart B. On behalf of both NRDC and the Sierra Club, I also ask that you waive all fees and charges connected with this request, as authorized by both FOIA, 5 U.S.C § 552(a) (4) (A) and Departmental regulations, 43 CFR § 2.19(c).

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40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

1350 New York Ave., N.W.  
Washington, DC 20005  
202 783-7800  
Fax 202 783-5917

617 South Olive Street  
Los Angeles, CA 90014  
213 882-1500  
Fax 213 629-5380

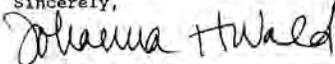
212 Merchant St., Suite 203  
Honolulu, Hawaii 96813  
808 533-1075  
Fax 808 521-6841

Bill Templeton, State Director  
January 15, 1993  
Page Two

NRDC and the Sierra Club are non-profit membership organizations. The documents we have requested will not be used for private gain or advantage. Rather they will be used to benefit members of both organizations and others who are concerned about the BLM's management of the public lands and the effects of livestock grazing on endangered and threatened species which inhabit those lands. In the past, you have always granted such requests, for which we are grateful. However, in the event that you do not agree to waive fees and charges in connection with this request, please do not incur any charges on our behalf without first notifying us.

Thank you in advance for your attention to this request. If you have any questions about it, please do not hesitate to contact me. I look forward to hearing from you within ten days as FOIA requires.

Sincerely,



Johanna H. Wald

Johanna H. Wald



## SIERRA CLUB

Toiyabe Chapter — Nevada and Eastern California  
P.O. Box 8096, Reno, Nevada 89507 January 15, 1993

Ben Collins, Manager  
BLM/Las Vegas District  
PO Box 26569  
Las Vegas, NV 89126

Dear Manager Collins,

On behalf of the Toiyabe Chapter of the Sierra Club and the Natural Resources Defense Council, I am formally requesting affected interest status for all allotments in the Stateline Resource Area. Both the Sierra Club and NRDC have been involved in land use planning for these public lands area since the early 1980's, in the implementation of the land use plan, and in the development of the Resource Management Plan, currently in draft form. While we thought our organizations were affected interests on the grazing allotments, we have been totally excluded from critically important grazing decisions being considered by the BLM. Please respond in writing to our request for affected interest status.

We are extremely concerned about the ongoing "administrative" action by the BLM to reclassify the ephemeral allotments in the Stateline Resource Area outside of the land use planning process. We did not include this concern in our comments on the draft RMP as we were never informed that this "administrative" action was being taken and only learned about this in a casual conversation last week, after the comment period on the draft RMP was over.

We would like to supplement our comments on the draft RMP to include a very strong objection to the elimination of the issue of ephemeral classification from the land use planning process. It was a pivotal issue in 1983 and 84 when the current land use plan was developed and remains a critical issue to us today. In addition, we object as strongly today as we did in 1983 to any reclassification because of the environmental and administrative impacts of such a decision, especially now on the Desert Tortoise, a threatened species.

Lastly, we would like to be fully consulted under requirements in FLMPA on any proposed changes to the ephemeral status of the grazing allotments in the Stateline RA BEFORE a decision is made, not afterwards.

Thank you for responding to our requests.

Sincerely,

/s/

Rose Strickland, Chair  
Public Lands Committee

LAS VEGAS GROUP  
P.O. Box 19777  
Las Vegas, Nevada 89119

To explore, enjoy, and protect the wild places of the earth.

GREAT BASIN GROUP  
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Reno, Nevada 89507

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