

HEARING ON H.R. 3705, A BILL TO PROVIDE  
FOR THE SALE OF CERTAIN PUBLIC LANDS  
IN THE IVANPAH VALLEY, NEVADA, TO THE  
CLARK COUNTY DEPARTMENT OF AVIATION

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

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JUNE 23, 1998, WASHINGTON, DC

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**TUESDAY, JUNE 23, 1998**

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NA-  
TIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RE-  
SOURCEs, *Washington, DC.*

The Subcommittee met, pursuant to other business, at 10:10 a.m., in room 1324, Longworth House Office Building, Hon. James Hansen (chairman of the subcommittee) presiding.

**STATEMENT OF HON. JAMES HANSEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF UTAH**

Mr. HANSEN. [presiding] Now, we will proceed to hear H.R. 3705.

H.R. 3705, introduced by Congressman Jim Gibbons of Nevada, would provide for the sale of certain public lands in Ivanpah Valley, Nevada to the Clark County Department of Aviation. This land, approximately 6,395 BLM acres, would eventually become a new airport facility and surrounding infrastructure. The Las Vegas Valley is the one of the fastest-growing metropolitan areas in the country. About 50 percent of the annual visitors to Las Vegas fly to McCarran Airport. This ratio is expected to rise even further as Vegas increasingly becomes an international travel destination. McCarran Airport is quickly reaching capacity.

The new airport facility is needed in the Las Vegas area. There are several reasons that the Ivanpah Valley is an ideal place for this airport. The area is far enough away from McCarran Airport and the Nellis Air Force Base to avoid airspace capacity restraints, and yet it's close enough to serve the metropolitan area. The area is right next to the I-15 and the Union Pacific Railroad, providing good transportation connections. And, finally, there are minimal environmental problems with the site.

I understand that the administration has a few concerns with this legislation, but recognize the need for a new airport, and are willing to work with us to make this happen. I appreciate that and look forward to working with the administration. I now recognize the gentleman from American Samoa.

**STATEMENT OF HON. ENI F.H. FALEOMAVAEGA, A DELEGATE  
IN CONGRESS FROM AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Mr. Chairman, H.R. 3705 provides for the conveyance of certain public lands in Nevada to the Clark County

Department of Aviation for use as an airport and related commercial development. I understand that the Bureau of Land Management will testify that they have a number of concerns with the bill as currently written. Evidently, there are several land use conflicts with the proposed airport location. These conflicts include mining claims, grazing, utility corridors, a designated special recreation management area, and a desert tortoise translocation area. I also understand there are the questions in the math of determination of fair market value and with the authority.

Mr. Chairman, the questions on H.R. 3705 need to be resolved. I appreciate the presence of our witnesses today and look forward to their insight on this proposed legislation.

Mr. HANSEN. According to my watch, there's 1 minute and 20 seconds, and then we'll hear from Mr. Jim Gibbons; that is if he's very punctual. If he isn't, we'll go to our witnesses. I appreciate you gentlemen for coming up to the table.

[Pause.]

Time has expired. With that in mind, we will turn to our witnesses: Mr. Pete Culp, Assistant Director, Minerals, Realty and Resource Protection at the Bureau of Land Management and Mr. Randall H. Walker, director at the Department of Aviation, Clark County, Nevada. Mr. Culp.

**STATEMENT OF PETE CULP, ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT**

Mr. CULP. Thank you, Mr. Chairman. I appreciate the opportunity to testify on H.R. 3705, the Ivanpah Valley Airport Public Lands Transfer Act that provides for the transfer of certain public lands to Clark County, Nevada to the Clark County Department of Aviation. As you indicated in the introductory statement, the concept of a new airport in this location certainly appears to have merit and there certainly appears to be a need for a facility like this.

Also, as you indicated, we do have some concerns with the bill as presently drafted. H.R. 3705 provides for the conveyance of lands from Jean, Nevada to the Clark County Department of Aviation over a period of 20 years. The lands are to be used for an airport facility and associated industrial and commercial development. Lands would actually be conveyed under the bill over this 20-year period of time on an as needed basis to the Department of Aviation, but as the bill is written that would be based on a market value to be established by an appraisal to be conducted within 6 months of the passage of the legislation. The lands will be withdrawn from entry under the mining laws.

Very quickly, our concerns relate to conflicts that will be created with certain existing land use in the general area. There are a variety of third party rights. For example, one section is encumbered by mining claims; the entire area is within a grazing allotment; there are two State of Nevada mineral material sale sites for gravel, and there's some major power lines through the site.

The issue of desert tortoise habitat that was mentioned is very much dependent on a precise location of the airport. There is an area west of Interstate 15 that is a translocation site for tortoise

that are affected by developments elsewhere in Clark County. The most recent map which is actually an aerial photograph that we've seen of the proposed airport site would avoid that area and thus minimize the impact to tortoise. The earlier maps showed part of the property west of Interstate 15.

The area has a special recreation management area for off-road vehicle activities between Primm and Jean that would need to be relocated. There's presumably an issue of at least dust that would be created by that type of existing use that might interfere with airport operations. And the area is currently used for sky diving which I understand is out of the small airport at Jean which would be also impacted.

Another concern is the conveyance of lands at less than fair market value. Very quickly, the issue there is that the appraisal would be done within 6 months of passage of the bill, but the actual conveyances could extend out for a period of 20 years during which land values could change significantly. I'll say quickly, that we recognize that some of that change would be attributable to the development of the airport itself, but I believe there are some solutions to that issue that could be worked out.

And, significantly, I mentioned that there have been several maps provided to us of the facilities, or the proposed facility. There is a recent court date that's referenced in my longer statement that makes the issue of a map very problematic. We need an officially filed map with clear delineation of the boundaries.

But, in summary, I believe these issues are amenable to some work and resolution between the Subcommittee, BLM, and Clark County, and we can work together to mitigate or resolve the issues and come to agreement on a suitable location, boundaries, and provisions. That concludes my testimony, and I'll be happy to answer any questions.

[The prepared statement of Mr. Culp may be found at end of hearing.]

Mr. HANSEN. Thank you.

The gentleman from Nevada, Mr. Ensign, do you have an opening statement you would like to make regarding your colleague's bill, Mr. Gibbons?

**STATEMENT OF HON. JOHN E. ENSIGN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA**

Mr. ENSIGN. Thank you, Mr. Chairman; yes, I do. I'll make it brief and just ask unanimous consent that my whole statement be made part of the record.

Mr. HANSEN. So ordered.

Mr. ENSIGN. I'd like to make just a couple of comments. First of all, this is my colleague Jim Gibbon's bill, and it is something, though, that the entire congressional delegation from the State of Nevada. This is brought to us by Clark County and McCarran Airport. They would like to see as a reliever airport as well as, obviously, to bring in freight and cargo from other parts of the world into this area for several reasons as a reliever airport to McCarran International Airport.

First of all, this is one of the fastest growing airports in the world, and it is quickly reaching capacity, and as a reliever airport,

this Ivanpah Valley is a perfect location because there's very little, as far as environmental, concerns, because you're talking, first of all, outside of the air district—I guess you would call it—for the Las Vegas Valley. This is on the other side of the mountains from the Las Vegas Valley, and so many of the environmental concerns are quite a bit less than with this airport out in the Ivanpah Valley.

A couple of the other points that I would like to make that the BLM brought up. First of all, as far as the grazing rights are concerned that are on the land, the grazing, from what I understand, are controlled—they're owned by the county itself, so I don't think that the grazing rights are a major concern with this land. Second of all, I do have something I'd like to make part of the record: it's a letter from the Department of Transportation. The BLM talked about that the Department of Transportation has some mineral rights in there for a gravel pit, and we have a letter here from the Assistant Director of Planning, Thomas Fronapfel, and he says, "We have reviewed the notice the landing area proposed, and this proposal does not appear to conflict with Department facilities or projects." And then it says, "Should you have any questions," I'd like to have this made part of the record, because they're fine with the bill.

Mr. HANSEN. Without objection.

[The information referred to follows:]

LETTER FROM MR. THOMAS J. FRONAPFEL TO JOHN PFEIFER

DEPT. OF TRANSPORTATION,  
CARSON CITY,  
NEVADA

JOHN PFEIFER,  
*Manager,*  
831 Mitten Road, Room 210,  
Burlingame,  
California.

Dear Mr. Pfeifer:

We have reviewed the Notice of Landing Area Proposal Ivanpah Valley Airport, 97-SFO-97-NRA. This proposal does not appear to conflict with Department facilities or projects.

Should you have any questions, please contact the office of Aviation Planning at (702) 888-7464.

Sincerely,

THOMAS J. FRONAPFEL, P.E.,  
*Assistant Director—Planning.*

Mr. ENSIGN. The second thing is—and I'm glad that you recognize as far as the desert tortoise habitat that it is on the other side. The translocation area is on the other side of I-15, and I think that working—we can make sure that the details are worked out to make sure that we do have, obviously, the desert tortoise and the habitat for that is very important to all residents of Clark County, and we want to make sure that nothing gets in that way, but, from what I understand, this bill, as written now, the current form it, will not have any problems with the desert tortoise because of the translocation area being on the other side of the freeway.

And, last, let me just say that I think that this bill has been very well thought out from all of the members of the delegation supporting it, and this isn't really something that was driven by the delegation. This was something that driven by local people coming to

us and asking us to support this, and similar to the Ensign-Bryan lands bill that we brought through this Subcommittee, when you have local input, you usually get good legislation, and that's exactly what we've received here, and I want to thank you, Mr. Chairman, for having this hearing on Mr. Gibbon's bill.

[The prepared statement of Mr. Ensign follows:]

STATEMENT OF HON. JOHN E. ENSIGN, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF NEVADA

Good morning, Chairman Hansen and other colleagues, it is a pleasure to be with you today in addressing a very important issue to the people of Nevada. H.R. 3705, introduced by Congressman Jim Gibbons and myself provides for the sale of certain public lands within the Ivanpah Valley, Nevada to the Clark County Department of Aviation.

Today, the Las Vegas Valley is the fastest growing metropolitan area in the country with about 5,000 people move there each month, and millions of visitors each year. About 50 percent of these visitors arrive by way of McCarran International Airport. As the valley continues to expand, and the number of international visitors climbs, it becomes apparent that McCarran Field is nearing its capacity.

H.R. 3705 would designate approximately 6,500 acres of BLM land for gradual sale to the Clark County Department of Aviation, some of the land will become a secondary airport serving the needs of both passengers and cargo for the Las Vegas metropolitan area, and the rest of the land would be used to provide surrounding infrastructure and for other industrial purposes.

The Ivanpah Valley location is ideal for many reasons. First, it is convenient to Las Vegas, but far enough away as not to pose a problem to current air traffic patterns with McCarran Field and Nellis Air Force Base. Second, the location has the best topography and orientation of any of the possible sights for an ancillary airport facility, and it is accessible to both I-15 and the Union Pacific railroad. And finally, there are minimal environmental concerns with this proposed sight.

H.R. 3705 provides relief to the growth issue that faces the Las Vegas Valley, it alleviates overcrowding at McCarran Field while supporting the economy of Southern Nevada with new jobs and additional revenues.

Mr. Chairman, I would like to take this opportunity to make the public aware of my relationship with Circus Circus Enterprises. As we all know, the legislation before us today proposes the sale of federally owned land to the Clark County Department of Aviation for the development of a reliever airport in the Ivanpah Valley. The location of this airport will be roughly six miles from Jean, Nevada where Circus Circus Enterprises owns and operates two hotel-casinos. My father, Michael Ensign, is Chief Executive Officer of Circus Circus Enterprises.

Mr. HANSEN. Thank you, Mr. Ensign.

Mr. Walker, we'll turn to you.

**STATEMENT OF RANDALL H. WALKER, DIRECTOR,  
DEPARTMENT OF AVIATION, CLARK COUNTY, NEVADA**

Mr. WALKER. Thank you, Mr. Chairman. My name is Randall Walker. I am the Director of Aviation for the Clark County Department of Aviation—

Mr. HANSEN. Pull that mike just a tad closer to you, please, sir. Thank you.

Mr. WALKER. [continuing] in Las Vegas, Nevada. I appear today to testify in strong support of H.R. 3705 which authorizes the Secretary of the Interior to convey for fair market value certain lands in the Ivanpah Valley to the Clark County Department of Aviation to allow us a site for future construction of an airport to serve southern Nevada.

The role of an airport in any community is to provide the airport infrastructure and facilities necessary to enable any and all carriers to serve the community if they choose to do so. Because Las



Vegas has been one of the fastest growing airports in the Nation, keeping pace with airline passenger demand has been a significant challenge. McCarran International Airport passenger traffic since 1990 has grown 64 percent. Half the visitors who come to Las Vegas now come by air. Air traffic into Las Vegas has statistically followed the growth of the hotel industry and the construction of hotel rooms. Before the year 2000, Las Vegas will add approximately 20,000 hotel rooms to the inventory. We estimate that every 1,000 hotel rooms will generate about 275,000 visitors or with the 20,000 hotel rooms, approximately 6 million new tourists, half of whom will pass through the McCarran to get into Las Vegas.

Fifty years ago, in 1948, Clark County acquired McCarran Field on South Las Vegas Boulevard. This once small air field out in the desert is now surrounded by a vibrant and unique city. We are proud of the facilities we have constructed on McCarran Airport and with the opening of the new D terminal this last week, we will provide sufficient facilities to carry us approximately 5 years into the future. But after the E and D gate is completed, we will not have realistic expansion opportunities to add additional terminal facilities at our airport.

We now have four air carrier-capable runways at McCarran, and that is all that we will ever be able to build. Fortunately, with our existing runways there is sufficient air field capacity to allow for additional short and mid-term growth. However, once that growth gets above 600,000 annual aircraft operations—we're currently at 474,000 annual operations—our runway taxiway system will produce cumulative delays that exceed an average of 40 minutes per aircraft operation.

It is easy to understand why the airlines who service the Las Vegas are very sensitive to the incremental system cost which results from departure and arrival delays. Increasing delays means higher operational costs attributable to wasted fuel burned on the taxiway; added crew time and additional delays at connecting airports. As the operator of McCarran Airport, we have to be sensitive to delay costs that make it difficult for airlines to add additional service or to maintain the existing service that they already provide.

For us to maintain the viability of long-term airline service to Las Vegas, we need to find an alternative primary commercial service airport to McCarran. Most of the airspace north of McCarran is under the control of the Department of Defense due to the ever-increasing military operations at Nellis Air Force Base. This has limited our search for new sites to south of Las Vegas. The only viable site that has adequate airspace is about 22 miles south of McCarran in the Ivanpah Valley.

Ivanpah Valley is the only site that will allow for a full precision instrument approach that will not result in airspace conflicts with the traffic at McCarran. This site, with the potential for a north-south conflux of parallel runways, is unusual because it is both flat and devoid of mountainous terrains off the ends of the future runways. It is also located in close proximity to Interstate 15 and Uni-Pacific Railroad which will enhance intermobile transportation of cargo opportunities.

It is our plan to develop this airport as needed by the growth at McCarran. It is likely that the first developments to move this new airport would be cargo and charter operations with scheduled airline service eventually following as traffic continues to grow at McCarran. Notwithstanding the opportunity for us to obtain Federal land for free under section 505 of the Airport and Airways Improvement Act, there is a significant bureaucratic process involved that would take years to complete.

Now, Mr. Chairman and members of the Committee, we are very anxious to secure this site so that we can do the necessary planning and environmental work, and we are willing to pay fair market value for the land which is just a bit over 6,000 acres. This new airport is absolutely critical for the Clark County Department of Aviation to fulfill its mission of never allowing the lack of airport infrastructure to be an impediment to people coming to Las Vegas; to the Grand Canyon, and to other destinations in the color country around Las Vegas.

Mr. Chairman, thank you for the opportunity to discuss this important issue, and I'd be glad to answer any questions the Committee may have.

[The prepared statement of Mr. Walker may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Walker. Questions from the panel? Mr. Faleomavaega is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I'd like to ask Mr. Culp from the Bureau of Land Management a couple of questions. How many tortoise are we talking about here?

Mr. CULP. How many tortoise?

Mr. FALEOMAVAEGA. Yes.

Mr. CULP. I saw the figures for the number relocated to that relocation area west of Interstate 15, and I believe it was 1,200. Again, as I noted and Mr. Hansen noted, the last map which was actually an aerial photograph that we received would avoid the tortoise relocation area.

Mr. FALEOMAVAEGA. I notice in your statement you mention that you don't even have a map. Am I correct the State of Nevada has not even submitted a map formation of this Valley? They're asking for about 6,000 acres, and I understand the location is about 22 miles south of the McCarran Airport? Is this under the Bureau of Land Management jurisdiction?

Mr. CULP. The area is public land under our jurisdiction now, yes. And the concern on the map is that actually we have several maps that are fairly large scale. I believe two maps and one aerial photograph with boundaries delineated. The boundaries are somewhat different between those maps, and both we and the Congress would need a definitive map filed with us to move forward and avoid some future legal problems.

Mr. FALEOMAVAEGA. I notice you cited at least about 10 different areas that you question. I would like to ask Mr. Walker, I'm sure our good friend from Nevada would not have introduced this legislation if there was at least some preliminary discussions or dialogue between the BLM and the State of Nevada, and, Mr. Walker, I'm sure you're well aware of some of the considerations that BLM

is raising now before the Subcommittee. I gather that this bill was introduced without the knowledge of BLM in any way or form?

Mr. WALKER. No, that's not correct. We've had extensive conversations with our local BLM offices. I met with Mr. Pat Shay personally to indicate that we were going to introduce the bill; to give him a copy; I gave him a map myself. And, so we've tried to make sure that we've covered all our bases and done our homework and consulted with everybody that we felt it was important to consult with before the bill was introduced.

Mr. FALEOMAVEGA. So, you've done all this with the office of the BLM in Nevada, but, apparently, it has not reached Washington. Is this correct, Mr. Culp?

Mr. CULP. No, it's reached Washington, and there certainly have been consultations in Nevada. I think our position is that because of some of the issues that I mentioned and the lack of a really definitive map, that there's more work that we need to do together.

Mr. FALEOMAVEGA. Well, Mr. Culp, I'm a little surprised, and I'm sure that Mr. Walker would not have made these considerations, and I wanted to ask you, you're suggesting here also that BLM and the FAA be given time to consider what would be the most appropriate area, and I'd like to ask you if the BLM and the FAA would be assigned the task of figuring out a location or size for an additional airport in Nevada, how long do you think this will take?

Mr. CULP. We're prepared to move very quickly on that. I can't speak for FAA, but I would say that we recognize that Congress has an interest in this bill and may want to move quickly, and we are prepared to do that. I think we're talking about a matter of a few weeks probably.

Mr. FALEOMAVEGA. I'd like to ask Mr. Walker, how long have you been holding consultations with the BLM office in Nevada?

Mr. WALKER. I think we've been working on this for a couple of years.

Mr. FALEOMAVEGA. My God.

Mr. WALKER. And, as I indicated, we met Mr. Pat Shay, the Director of BLM, here in Washington several months ago to give him a copy of the bill and a copy of the map which has changed slightly since we initially gave that to him, but as far as the issues that have been raised by BLM, we're well aware of these issues. We don't think any one of them is insurmountable. For example—I could go through each one of them—the grazing rights, if you've seen the dry lakes, there's not a whole lot of foliage there in the first place, and, second, the county owns the grazing rights, and this would not be a conflict, and grazing around an airport outside the parameter fence is not a problem, so there shouldn't be any conflict, and we could go through each one of these issues: the power lines, we know where they're at, and they're not in conflict with the alignment of the runways; the desert tortoise habitat, we have a letter from Paul Seltzer, the attorney that has been retained by the county to deal with desert tortoise habitat issues, and he indicates that it doesn't appear that this is a concern at all with the translocation area; the transportation site—the Department of Transportation is there on the west side of the freeway, and we've got a letter from them indicating it's not a problem; the sky diving

operation, that's in an airport we manage and control. We understand those issues very well, and we would not do anything to jeopardize those operations. We need to accommodate all aviation within southern Nevada, and we think we do a very good job of doing that.

In terms of the fair market value, I think we have an opportunity—we could go through a bureaucratic process and ask for it for free. We're asking to pay current fair market value, but that land out there right now, probably the value is very limited relative to the rest of the land in southern Nevada, and what we don't want to do is to bring all the infrastructure in there and create a huge value for land that now has minimal value and then turn around and have to pay the higher value that we've created for the land. That's why we're asking for it the way we are.

And, so we think that these issues—in terms of the off-highway vehicle use, for example, that's not an incompatible use around an airport, and the dust that would be created by those vehicles, certainly, is a lot less than the wind, the dust that the wind creates in Las Vegas. We have that all of the time, and so that's not a problem.

Mr. FALCOMA. Well, Mr. Walker, my time is running out, but I would like to give some very strong advice to Mr. Culp that this issue has been ongoing and been under discussion for years. This is not something that has just come over, over night, and so your mentioning of all these areas like the grazing, the mining, the tortoise, the special recreation management, it seems like you're throwing a smoke screen here and not really making a good faith effort to work with the State officials that the BLM does show good faith in working together with the officials of the State of Nevada. I'm really, frankly, disappointed that these issues are brought forth, and it sounds like you were never being apprised of this three or months ago, but the fact that this has been under discussion for years, I'm a little disappointed, Mr. Culp, that the BLM is giving the members of this Subcommittee this kind of information. I'm sorry, my time is up.

Mr. HANSEN. Thank you. Mr. Walker, Mr. Culp said that Clark County is obligated under the terms of a Federal grant to continue operations at Jean Airport. I'm assuming that Jean Airport is a general aviation airport?

Mr. WALKER. Yes, we created it as a sports aviation facility for gliders and aerobatics and things of that nature.

Mr. HANSEN. In the event that this other one went in, what would the airspace problem be? Would there be—have overlapping traffic patterns? Would we have space that is adequate for both of them?

Mr. WALKER. Yes. Jean is about six nautical miles from the Ivanpah Valley site. We have a general aviation airport, called Henderson Executive Terminal which is six miles from McCarran Airport. One is a visual flight rules airport; the other's an instrument flight rules, and we developed the airspace so that they both operate compatibly.

Mr. HANSEN. What is the altitude of the traffic pattern at Jean Airport?

Mr. WALKER. Jean Airport has visual flight rules, so it has to stay under the Class B airspace.

Mr. HANSEN. It's all under VFR?

Mr. WALKER. Yes.

Mr. HANSEN. In the event the southern one went in, would that necessitate transponders for general aviation at Jean Airport?

Mr. WALKER. No.

Mr. HANSEN. Do they have transponders now?

Mr. WALKER. No, not at Jean.

Mr. HANSEN. You don't think it would?

Mr. WALKER. No, I don't believe so. We don't have any—

Mr. HANSEN. Would you mind giving me some stuff on the FAA about that?

Mr. WALKER. We don't have any instrument approaches now at Henderson or North Las Vegas.

Mr. HANSEN. The reason I say that is Salt Lake—where I've spent many hours flying—we all had to put transponders in when Salt Lake International got a little bigger. So, Sky Park, which is between Ogden and Salt Lake; Airport No. 2, which is south of International, and the others, all of those, had to go to transponders which is, frankly, a pain.

Mr. WALKER. Well, we have very good weather in Las Vegas. I think we have 360 days a year where you can operate under VFR rules, and so it's not a real problem for our airports. The only time we have—McCarran is the only place now where they can do actual instrument landing training, and so we're trying to find a location at one of our sites where we could have, actually, a transponder site for general aviation to improve the—to, basically, move those operations off of McCarran. But we're working now with the FAA, with the local tower and the regional people, and the military. We have a committee that's looking at all of the airspace in southern Nevada to come up with the best airspace possible, and the Ivanpah Valley is one of the issues that's on the table. So, we're working with everybody to come up with the airspace allocation which serves the needs of everybody—the military, the general aviation, and the commercial aircraft.

Mr. HANSEN. Would Jean Airport have to change their practice area which is allocated to them by the FAA?

Mr. WALKER. In terms of the sky divers, there may have to be a reallocation of where their jumps are. We just reallocated them from the northwest, because they used to operate out of north Las Vegas, but because of the significant development in the northwest which was precipitated by land exchanges by the BLM, we had to move the sky divers to another area. They're very important to us, and we will find them a location to operate somewhere. We have 8,000 square miles of land in southern Nevada, 82 percent which is owned by the Federal Government. Certainly, there is a site close to Jean where the sky divers can practice their trade in southern Nevada.

Mr. HANSEN. Mr. Culp, you gave a laudatory reason why the BLM has difficulty with this. You said that there's historical off-highway vehicle use. Now, I commend you for this, but I'm just kind of curious in a way, you're defending off-highway vehicle use on public lands in this bill, however, over in the State of Utah—

your next door neighbor there—you folks are trying to stop it. Why the inconsistency?

Mr. CULP. Mr. Chairman, we go through a planning process for each area to determine where that kind of use is compatible with the resource values in the area—I am not immediately familiar with the area in Utah that you're speaking about—but that's how the process works, and that's how these in Nevada were designated as appropriate for off-highway vehicles.

Mr. HANSEN. Frankly, being somewhat familiar between the two States, I cannot see much difference. Every place there's off-road use in BLM under H.R. 1500, proposed by some of our environmental friends, BLM has gone with them lock, stock, and barrel, and some of that area has been used for off-road vehicles for as long as I can remember. So, it would, in my opinion, fall under the highway and historical use. Anyway, I would really be curious to know the answer to that when you get to it.

Mr. CULP. I'll be happy to look into it.

Mr. HANSEN. Would you, specifically, personally, send me something on that?

Mr. CULP. I certainly will.

Mr. HANSEN. Don't send it here. Send it to my personal staff at 2466 Rayburn. I would like to read it.

I promised earlier that, when the sponsor of the bill arrived, that we would turn to him for his opening statement. So, honoring that obligation, Mr. Gibbons.

#### **STATEMENT OF HON. JAMES GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA**

Mr. GIBBONS. Thank you, Mr. Chairman, and I appreciate your kind patience in regard to my tardiness, and I do apologize for being late. In order to make this as expedited as possible, I would ask unanimous consent to have my opening remarks submitted for the record rather than be said.

Mr. HANSEN. Without objection, so ordered.

[The prepared statement of Mr. Gibbons follows:]

#### **STATEMENT OF HON. JIM GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA**

Mr. Chairman:

I would like to thank you for allowing this Committee to hear H.R. 3705, the Ivanpah Valley Airport Public Lands Transfer Act.

As you may know, Las Vegas, Nevada, is the fastest growing area in the United States, and because 87 percent to 92 percent of Nevada is owned by the Federal Government, it makes expansion for many of our communities almost impossible.

More than 20,000 new homes were built in the Las Vegas Valley last year, and this influx of new residents has put great pressure on the infrastructure of the entire region.

Fortunately, H.R. 3705 addresses the issue of expansion and infrastructure and prepares Clark County for the 21st century.

As Las Vegas continues to grow a greater demand is put on its airport.

Currently, passengers traveling through Las Vegas's McCarran Airport account for approximately 50 percent of the annual visitors to Las Vegas.

And as the Valley's resorts increasingly become international travel destinations, this percentage can be expected to climb putting a burdensome strain on McCarran airport.

That is why this legislation is so important to the Las Vegas Valley.

The new Ivanpah Valley Airport will attract air cargo flights that now wish to use McCarran, thus freeing-up McCarran's airspace and runway capacity.

The new airport will also serve as an alternative for charter flight operations, where the passengers can be bused to downtown Las Vegas in a short amount of time.

Likewise, the geographical location for this airport is also well suited.

The proposed Ivanpah Valley Airport site is located on approximately 6,650 acres of federally owned land thirty miles south of the Las Vegas metropolitan area.

Ivanpah will be far enough away from McCarran Airport and Nellis Air Force Base to be free of flight restrictions.

It has a close proximity to Interstate Highway 15 and the Union Pacific Railroad which will provide excellent intermodal and multimodal opportunities for passenger and air cargo activities.

And lastly, it is surrounded by vacant Federal land which will give Clark County an opportunity to protect the Airport from incompatible land uses.

As McCarran reaches its practical capacity, H.R. 3705 becomes necessary to accommodate the growing Las Vegas Valley and its air passenger and air cargo industry.

With that Mr. Chairman, I would once again like to thank you for holding this hearing on the Ivanpah Valley Airport Public Lands Transfer Act, a bill that is very important to Southern Nevada and its future.

Mr. GIBBONS. Mr. Chairman, I would appreciate the opportunity to exercise a question here of the panel if it's within your will.

Mr. HANSEN. The gentleman is recognized.

Mr. GIBBONS. Thank you. I wanted to address the issue of mining claims to Mr. Culp. How many of the mining claims that you are concerned about are currently active in the area?

Mr. CULP. I don't have that information, Mr. Gibbons. There's one section of the land that has claims on it.

Mr. GIBBONS. Yes, but isn't it true that those mining claims are inactive?

Mr. CULP. I'll be very happy to check that. If that's the information you have——

Mr. GIBBONS. Mr. Chairman, I would also wish that this Committee accede to your request in submitting, perhaps, written questions that they can answer and provide back for us detailed explanations and answers to those written questions in regard to the mining claim issue.

With that, Mr. Chairman, I'll yield back the questions and have the written question submitted for the record.

Mr. HANSEN. Thank the gentleman from Nevada. The gentleman from Minnesota, Mr. Vento.

Mr. VENTO. Thank you, Mr. Chairman. I was going to come by and participate in the markup, but I guess you reached some accord that we're going to work on it further.

Mr. HANSEN. That's true. We decided it was a work in process, and we reported it out without recommendation to the Full Committee.

Mr. VENTO. I understand that. Mr. Chairman, Mr. Culp, I think that Representative Gibbons is asking whether any of these mining claims are patented claims? Or don't you know that either?

Mr. CULP. I don't know that either.

Mr. VENTO. OK. Well, I think that would be sort of a telling point, because that means, of course, they've been perfected, and there's cost and maybe some value to them.

Mr. GIBBONS. Will the gentleman yield for a second?

Mr. VENTO. Yes, sure.

Mr. GIBBONS. A patented mining claim, of course, is private property, and would, therefore, not be under the jurisdiction of BLM, because that's the same patent you would get for a fee simple—

Mr. VENTO. None of these have been patented—

Mr. GIBBONS. So, that would be the answer to your question in that regard, but I appreciate your input.

Mr. VENTO. Well, I just would like to know what the status is. I thought, perhaps, if they had reached that point, but I didn't know they were distinguishing between claims. Obviously, you have to buy them out then, but apparently that won't be necessary.

The overall issue here is, first of all, you suggest in your statement you don't know if it's 2,000 or 20,000 acres, Mr. Culp. Mr. Walker has said it's 6,000 acres. Since we don't have a map we really don't know what specific area that we're speaking of here. Is that correct?

Mr. CULP. We certainly know generally. We've received, as I said, two large scale maps and then an aerial photograph with the boundaries delineated. They are somewhat different.

Mr. VENTO. Well, I don't understand—I looked at the activities that you suggest here that they're roads. Of course, I think our colleague from Utah, the chairman, was pointing out that there's a special recreation management area that's been apparently administratively designated here. I don't know if they have any special recreational management areas for off-road vehicles in Utah or not—but the issue here is what is the overall land plan for this area? Is there something that fundamentally conflicts with it? I mean, there are conflicts, but are these the only conflicts that you have here for the land?

Mr. CULP. We have a recent resource management plan for the area that calls for retention in Federal ownership for—

Mr. VENTO. A retention of this particular area.

Mr. CULP. Correct.

Mr. VENTO. And, so are there other areas that—in Nevada, obviously, it's a State where there's 67 or 70 percent ownership. I think we shifted even a little more over here and—

Mr. GIBBONS. Eighty-seven.

Mr. VENTO. But the—89 percent. Well, we keep gaining more of it. But the issue is it isn't like we're an occupying force, but sometimes we're treated that way, I guess. The issue is, are there some other areas that have been designated for use for aviation for future development that are different than this site?

Mr. CULP. None that we have identified. I want to be clear: I think that, in general, this area, as Mr. Walker testified, may be the best there is. We have to deal with these conflicts as best we can.

Mr. VENTO. I'm just wondering if there's some overall plan. This hasn't been studied for wilderness, is that correct? Has this area been studied for wilderness?

Mr. CULP. It would have been, certainly. There is no wilderness area within the—

Mr. VENTO. It hasn't been studied for it. I mean hasn't BLM just gone through a wilderness study on most of the land? Was this area studied or not?



Mr. CULP. We have done studies and reviewed them. I'm sure this area was part of that, and we do not have a conflict with a designated or—what's the other term for a wilderness—wilderness review area.

Mr. VENTO. OK. My point is, of course, that it has off-road vehicles and some other activities on it that sound like they're in conflict, in any case, so it likely wouldn't be—at least part of it wouldn't be recommended. I don't know how much of that—since you don't have a map, obviously, we'd end up with, but you agree now, that it is 6,000 acres not 22,000 or 20,000. Is that right, Mr. Walker?

Mr. WALKER. Yes, it's never been 20,000 acres. We provided a map some time ago to the BLM, and it's always been around 6,000 acres.

Mr. VENTO. So, when do you expect a sequence—I mean, I understand that under law you suggest that this could be granted without cost, but you're willing to incur a cost in terms of providing certainty, because the amount of money would not be great. I mean, what would the cost per acre be here? What do you anticipate?

Mr. WALKER. Well, obviously, we'd have to have an appraisal through the BLM process, but we anticipate it would be less than \$1,000 an acre.

Mr. VENTO. Less than \$1,000 an acre. And your suggesting that that be determined within 6 months and then the cost of that be frozen and paid off over a period of 20 years. What is the purpose for that? If this airport is going to be developed, wouldn't it be developed in the next 5 to 10 years?

Mr. WALKER. Actually, what we would like to do is take down—and that's probably where the 2,000 acres came from in somebody's discussion. Two thousand acres are what we would need initially to develop the airfield itself, and then the rest of the land could be drawn down as needed to develop the support and the infrastructure around it.

Mr. VENTO. Will that develop the entire complex of housing or industrial park of whatever else?

Mr. WALKER. Correct. Right, we'd need cargo facilities and other support facilities such as flight kitchens and others things that are associated with an airport. If an appraisal came in the way we would think it would be based on the land values in Las Vegas and whether it's situation in an undeveloped area and it, indeed, comes under \$1,000 an acre, we would probably take the land down in 2 or 3 years, maximum time. We're just trying to protect ourselves if it comes in a lot higher than that, we would like to be able to take it over time. We need to get the land so that we can do the proper planning studies; coordinate the airspace with the FAA; do our environmental work, and we think it would be appropriate to control the site before spend all of our money.

Mr. VENTO. Mr. Chairman, just one more question—I know I'm beyond my time here—but the BLM suggests that this ought to be part of the regular process of the administrative planning process where the BLM and the FAA are the proper forum for addressing the county's needs. Has there been such a forum in place?

Mr. WALKER. Well, the last plan that we're aware of was done 8 years ago, and Las Vegas is such a fast and dynamic growing

area that we felt it would be best to come and ask Congress for this special legislation to allow us to buy this land at fair market value for this purpose so that we could plan ahead. We've seen what's happened in the last 20 years in Las Vegas, and if continues into the next 20 years, if we don't do something now, this site will not be available for an airport, because there will be too many conflicts developed. And so what we're trying to do, as local government, trying to be good planners; plan ahead and make sure that we have the facilities in place to make sure that the community functions for the benefit of its citizens. So, we think this is the right process.

Mr. VENTO. Well, are there any reverters or anything in this, if this is used for the airport it's one thing, but it would obviously be your property, so it could be used for a variety of things afterwards.

Mr. WALKER. My understanding is the way the bill's written, it would have to be used for airport purposes.

Mr. VENTO. OK.

Mr. HANSEN. The gentleman from Nevada, Mr. Ensign.

Mr. ENSIGN. Thank you, Mr. Chairman. Mr. Culp, I just have a couple of questions on getting to the mining claim. We have mining claims all over Nevada and southern Nevada on BLM land, and when we do exchanges we have to deal with these mining claims, and we've been able to effectively deal with those mining claims. Wouldn't you agree with that?

Mr. CULP. Yes, yes, I would. I would make a point that, as I'm sure you know, mining claims have value whether they've been patented or not.

Mr. ENSIGN. Right, but we've been able to deal with those.

Mr. CULP. But we've been able to deal with them.

Mr. ENSIGN. Right, and there's nothing out there from what we've looked at—I don't know if anything the BLM has looked at—that would indicate that there would be any problem dealing with the mining claims that we have out there.

Mr. CULP. No, sir.

Mr. ENSIGN. OK. Do you anticipate—looking at this bill, is there anything that's a show stopper in there? Is there anything that the BLM says, "No, this is absolutely—we can't live with this?" Is there anything in this bill that BLM absolutely can't live with?

Mr. CULP. I think there are probably three. One is the issue of a definitive, officially filed map that can be referenced.

Mr. ENSIGN. OK, but that could be dealt with.

Mr. CULP. That can be dealt with.

Mr. ENSIGN. OK.

Mr. CULP. The appraisal issue which I believe also could be dealt with could be a show stopper, because, again, if this land is taken down over an extended period of time, its value regardless of the development of the airport can be expected to change and probably change significantly over 20 years.

Mr. ENSIGN. Just because I'm pretty familiar with this area, why would it change? There's no other private land available out there to build any kind of infrastructure to increase the value of that. We talked about that in this Committee when we were talking about the southern Nevada lands bill. Land in the desert—this is no water rights; this is no—this is as barren of land—as a matter of fact, Mr. Vento, when you were talking about this land, if you could

see this land, this is as barren a land as you can possibly get. Most of it is a dry lake bed that—alkali—that nothing grows on, and this land is as worthless a land as you can possibly imagine. Why would this land increase in value if nothing else is done? If the county doesn't do this, take this land down—the BLM is not in the business of improving the land to increase the value—so, if the county government doesn't do this, there's no other private land out there, how can you increase the value of this land over 20—I don't care if it's 100 years? In other words, the only way that this land would be improved in value is if the county does something and that what the county is trying to do is protect itself. If it increases the value of the land, the county itself, it doesn't want to have to pay for that increased value because of what it did.

Mr. CULP. We certainly recognize that point and don't believe the county should have to pay for value that it creates. Some of the solutions we would suggest is, perhaps, using some kind of an index for other land in the area not influenced by the development of the airport itself or certainly one option would be for the county to take the whole area, initially, based on this first appraisal. I can understand why they did not—

Mr. ENSIGN. Do you understand what they're trying to do here. I mean, let's use some common sense here. Let's don't think like bureaucracy sometimes thinks. I realize what regulations are. They've looked at the regulation; they've looked at how all of this thing goes about, and they say that they can get the land for free. It would take a long time to do it under bureaucratic practices, and so all they're trying to do is say, "You know what? We'll even pay some money. It's worth a certain cost. We just want to make sure that cost isn't outrageous, so we want to build in some security for us, and that security is based on the appraisal, we want to make sure we can pay it out over 20 years in case it comes in higher than what we expect." That's all they're trying to do here. This is land they could get, if they went through the slow bureaucratic process, for free. So, why would the BLM—this is a common sense thing—why would the BLM object to that? I just don't understand that?

Mr. CULP. Again, I think the point is that this is such a rapidly developing area that it's—

Mr. ENSIGN. Not this area. This area is ever going to be rapidly developing. The only land is Stateline and Jean that's privately owned. The rest of it is all BLM land; it cannot develop.

Mr. CULP. It wouldn't be developed under the current land use plan, that's correct.

Mr. ENSIGN. So, how can it rapidly develop? This is 25 miles from Las Vegas.

Mr. CULP. I guess what I would like to do is go back 20 years on some other areas and see what's—

Mr. ENSIGN. But there's no water. I mean, there's some obvious things here that this land can't be developed. I know this area very well. There's no water in this valley to do this with, and if you don't have water in the desert, you can't develop.

Mr. CULP. There is—I assume the airport has dealt with that issue.

Mr. WALKER. Yes, we've talked to the water district. We would have plans to bring water out to the area, it would not be inexpensive.

Mr. ENSIGN. That's kind of the point is the county has to do it.

Mr. VENTO. Well, Mr. Chairman, one other comment—

Mr. ENSIGN. Thank you, Mr. Chairman.

Mr. HANSEN. Wait a minute. The gentleman's time has expired. The gentleman from Minnesota is recognized.

Mr. VENTO. Mr. Chairman, just one—I think the other issue here, of course, is that this is a blocked up Federal area of BLM land and how it's managed, and I understand the necessity of trying to assist development and especially in a rapidly developing area, but the point is that this will influence all the land and activities around it, and, of course, you know there have been some pretty intense efforts to move water into areas. I think what you would anticipate is it does change the landscape here and probably the dynamics of what happens with the economy and the desire to do some development around that airport outside the 6,000 acres which will impact on what happens with BLM. So, it's not really your problem, but it is a problem, I think, in terms of trying to—the citizens of Nevada ought to look, is that what they want? Is this the best policy? And, of course, the planning process and review would have an opportunity to discuss that, but we're sort of doing—I mean, the effort here ends up short circuiting that process.

Mr. ENSIGN. If the gentleman would yield.

Mr. VENTO. I'd be happy to yield.

Mr. ENSIGN. What we are talking about, what the BLM is trying to say, though, is that development in the area could increase the value of the land, not what the county is doing here with this airport. They're saying other development could increase the value of the land. That's why they had this problem with the 20 years, but there's nothing that's going to develop out there if the county doesn't develop this property, and that's what the county is saying.

Mr. VENTO. I am not concerned—I might say, I think there should be less concern on our part in the fact that the land would be conveyed at no cost for this particular public purpose with reverts, so it's going to be conveyed at some cost with, apparently, some sort of reverter in terms of how it's used. But I think the broader question is not one that necessarily you are addressing, but it's one that will face any public land manager and that is the adjacent land to this and the whole area, because, administratively, it makes it more difficult. Of course, we're not in the business here just to make easy for land managers. We need to do what's right in terms of providing and according the economic and the necessary transportation development for the State.

Mr. HANSEN. The gentleman from Minnesota is recognized for one comment.

Mr. VENTO. Sure.

Mr. HANSEN. We'll now start another round. Mr. Walker, why don't you just do this under section 505 of the Airport and Airways Improvement Act?

Mr. WALKER. It would take a long time, and we would like to get the land and start our planning process now, and so we would pre-

fer to pay what we believe is going to be a reasonable value for the land once the appraisal comes in; get the land, and avoid that long bureaucratic process that is established to obtain that land under that process.

Mr. HANSEN. You would get it free that way.

Mr. WALKER. Yes, but free is not always best when it takes a long time.

Mr. HANSEN. I've never seen BLM really move on at a break-neck speed, you know. They don't exactly—I think that their new emblem ought to be the desert tortoise, because that's basically how we get things done at the BLM. No disrespect to our friends down there; we gave them those laws, but they don't exactly move at a great speed.

Mr. WALKER. Well, then you have two Federal bureaucracies that we would have to deal with in this as well—the FAA and the BLM—and then you just compound that problem, and so we feel it's better if the land values come in the way we anticipated, we think it's more—actually, probably more cost-effective for us just to buy the land.

Mr. HANSEN. Oh, I see. Let me direct a question to my friend from Nevada, Mr. Gibbons. Mr. Gibbons is a lawyer, a geologist, an airline pilot, and a fighter pilot, so I think—

Mr. GIBBONS. When I figure out what I want to be when I grow up, Mr. Chairman, I'll let you know.

[Laughter.]

Mr. HANSEN. Pick one, will you? Anyway, out of that, not anywhere in your category, but having put a few hundred hours at the yoke, Jean Airport, would that be affected substantially by putting this one in? In other words, aerospace practice areas, transponders, all that kind of stuff.

Mr. GIBBONS. Well, I'm sure, Mr. Chairman, that approach corridors would have to be constructed depending upon the terrain and other rules that the FAA has in establishing certain parameters for approach and departure corridors in a busy airport area. It would be my understanding that this would be done in concert with the existing Jean Airport so that no conflict or impact on Jean would either prevent this airport from being constructed or minimizing the importance of Jean Airport.

Mr. HANSEN. By any chance, does the gentleman know where the Aircraft Owners and Pilots Association is coming from on this issue?

Mr. GIBBONS. No.

Mr. HANSEN. Mr. Walker?

Mr. WALKER. I don't believe they've taken a position, to our knowledge, on this issue at all.

Mr. HANSEN. I see. The gentleman from America Samoa.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Walker, I wanted to ask a question again. I'm sure that this issue has taken the officials of Nevada years to undertake. Have you considered any other options beside this valley or this area that is located 22 miles south of Las Vegas for airport development?

Mr. WALKER. Yes, we hired a consultant to do an analysis for us of what are possible locations for a future airport site, and this was identified as the best site. Unfortunately, for us, depending on how

you look at it, fortunately, for other uses, we have Nellis Air Force Base and, basically, five miles north of McCarran is a wall of airspace for the Department of Defense, and so we cannot look in that direction at all. The airplanes aren't even allowed to fly into that space. The only other place that was looked at was a place called the El Dorado Valley which is close to Boulder City which is farther away than this site, and that's been recently acquired by Boulder City, and they're not interested in having a commercial airport over there. Plus, it would be much more difficult with the mountainous terrain around it, so—and, plus, it's desert tortoise habitat on top of all of that. So, this is the best site in terms of terrain; in terms of no conflicts with the mountains; in terms of proximity to Las Vegas, and for the minimal environmental issues that are attached to this land relative to other choices. So, when we weighed all of the different potential sites, of which there are not many, this is clearly the best site.

Mr. FALEOMAVAEGA. In the process of your consultation, can you site exactly approximately when did you first raise this issue with the officials of BLM in Nevada?

Mr. WALKER. With the local office, I know we've been talking with them, like I said, for a couple of years on this issue, and I personally met with Pat Shea, the Director of BLM, approximately, I would guess it's been 3 months ago to indicate to him that we were going to ask our congressional delegation to introduce this bill; provided him a copy of the map, and generally explained what the issues were. So, we've been having this dialogue for some time.

Mr. FALEOMAVAEGA. Now, as you know, the gentleman, Mr. Culp, has testified that no map has been provided to his office, and this concerns me as to how extensive your research has been in actually giving them a map to work on. Is this true? Or this is not?

Mr. WALKER. Well, we haven't provided the map specifically to Mr. Culp, but we have provided maps to the local office; to the Director; to this Committee. If they would tell me who I should provide a map to, I'd be glad to send them one.

Mr. FALEOMAVAEGA. Mr. Culp, I am not putting any blame on you for your testimony this morning, but I have to restate my other disappointment with your friends at the BLM office in Nevada for not giving you the right information about the consultations that have been going on with the State officials of Nevada about the issues that you've raised here this morning.

You said earlier that it would probably take a couple of weeks for the BLM and the FAA to conduct a study or whatever, a feasibility, to see what would be the possible area that an airport could be developed as expressed by the needs of the officials from the State of Nevada. Am I correct in your opinion that you can do this in a couple of weeks?

Mr. CULP. That was my testimony, yes, sir.

Mr. FALEOMAVAEGA. Do you think that you can—this whole thing can be done administratively without going through a congressional legislation?

Mr. CULP. No, I believe it does require legislation. I would like to add one point, too: the last map that we got was last Wednesday after our official testimony was submitted, so this really has been

a fast moving and changing target which is fine, but it's not like we've been dragging our feet.

Mr. FALEOMAVAEGA. OK. I just wanted to make sure, for the record, that we're not putting you too much on a tight rope here. I wanted—I suppose one of the main issues that we're going to—that's going to be very—I wouldn't say controversial but certainly one for discussion will be the fair market value issue as outlined in the provisions of the bill when it addresses that issue, but I just wanted your commitment that you say that in a couple of weeks the BLM and the FAA can work this thing out with the officials of the State of Nevada?

Mr. CULP. We're prepared to work with the Subcommittee and with the county folks and the State folks very quickly, yes.

Mr. FALEOMAVAEGA. As you know, the entire State—I mean, the congressional delegation from Nevada fully supports the proposed legislation. What kind of a time table do you think it will take for the BLM to come through with its commitments and see when we can get this resolved?

Mr. CULP. If we can sit down quickly together, particularly the folks in Nevada, with our State director, Bob Abbey and his people, I feel confident that what I said earlier about a matter of weeks is something that we can live with. Two weeks is kind of tight, but we can work hard at it.

Mr. FALEOMAVAEGA. How about a 4-month period?

Mr. CULP. That's more than enough, I believe.

Mr. FALEOMAVAEGA. That will resolve the entire issue. Does that give you enough leeway to really get this thing moving?

Mr. CULP. Well, 4 months probably would not for the Congress if they want to move this legislation this year.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from Nevada that sponsored the bill, Mr. Gibbons.

Mr. GIBBONS. Thank you, Mr. Chairman. I notice, Mr. Culp, that you're saying this is a fast moving and changing target. Over the period of the last 3 months, how far has this target moved since you were first informed of it?

Mr. CULP. It's hard to answer that question. I would say that we've narrowed down the location which—

Mr. GIBBONS. In terms of—we've narrowed it down in terms of what? Miles from where it was originally proposed? What?

Mr. CULP. Acres, miles.

Mr. GIBBONS. So, they've moved it?

Mr. CULP. We have—as I mentioned earlier—we have, I believe resolved one of the most significant concerns which was the potential impact on this desert tortoise relocation area, and that's significant progress.

Mr. WALKER. Congressman Gibbons, we originally had a few hundred feet to the west of I-15 in the original proposal when it came to our attention this was a desert tortoise relocation area. We adjusted the map to stay on the east side of I-15 to avoid that conflict, and that's, to my knowledge, the only change that's happened since we produced the original map.

Mr. GIBBONS. Mr. Walker, you also—your Department of Aviation is in control of the Jean Airport, are you not?

Mr. WALKER. That is correct.

Mr. GIBBONS. Do you see any conflict in light of the fact that you also have Henderson Airport which is six miles from McCarran International that some situation would occur in terms of establishing instrument flight rule patterns, departure corridors, arrival corridors in McCarran is the same situation with Jean, and tell me what you think might be a problem?

Mr. WALKER. Well, we work very well with the FAA and the local tower to create the—to develop the airspace around the valley that accommodates both commercial aircraft and the general aviation aircraft. We've done that at Henderson which has a six mile nautical difference between the two airports. We've developed the Class B airspace in such a way that the airplanes taking off and landing at Henderson could do so by staying under the Class B airspace and not create a conflict with the commercial aircraft. We believe we can do the same thing at Jean. As I indicated before, we now have an ongoing study with regional people from Los Angeles, our local tower, and the Department of Defense to look at the entire airspace in the valley to be able to come up with a long term plan that will accommodate all of these issues.

Mr. GIBBONS. Thank you. Mr. Culp, you mentioned the desert tortoise issue. Are you aware that the Clark County Desert Tortoise Conservation Planning Committee has recently sent a letter to our Senators indicating that they see no obvious conflict between the proposed airport; the conservation measures set forth in the desert conservation plan; the critical habitat for the desert tortoise; the desert tortoise ACECs, or the desert tortoise translocation areas? Are you aware of that?

Mr. CULP. I have not seen those letters, but I am very pleased to hear about that, and I think that probably relates to the shift in the location.

Mr. GIBBONS. I'm sure we can get you a copy of that. Perhaps, that would help alleviate the Department's concern over the desert tortoise issue in this area.

With those issues resolve, Mr. Culp, do you see any final obstacle that would prevent the BLM from supporting the transfer of this land?

Mr. CULP. I think that we have still with us the fair market value issue to work out one way or another, and I think that's probably the most significant one that's left.

Mr. GIBBONS. And, personally, from my standpoint, I see that as probably the least of all obstacles to overcome, because we can establish fair market value existing today for the property. I don't see a fair market value whether it's 10 years, 20 years, or 100 years, as being a difficult situation. I mean, here we are, the county is paying for its own development, and the fair market value—maybe we should ask you, for the record, what is your definition of fair market value?

Mr. CULP. We'd be happy to provide that.

Mr. GIBBONS. Does the fair market value issue—you don't have a concept today here with you that you could give us?

Mr. CULP. It would be based on our—as Mr. Walker said—based on our standard appraisal procedures. The issue really is not fair market value today, I don't think. It's the provision that allows for



the take down of the land over 20 years and the changes that would occur.

Mr. GIBBONS. So, what would be your solution to the problem, if I may?

Mr. CULP. There are several possible solutions. One is for the county to consider taking the entire property now. Another is to include in the legislation some sort of index in the provision that would attempt to isolate increases in value due to the construction of the airport itself but would allow for adjustment of values for future take down.

Mr. GIBBONS. This just seems to me that you want to be the beneficiary of the hard work and improvements of the county in this area. You want to take advantage of the improved price as time goes on. You're not willing to give them the value of the land that exists today without the development, because without the development your land wouldn't be any higher in value, but you want to take advantage of it. I think you're trying to have your cake and eat it too. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. This concludes this hearing. We thank our panel for being with us, and we now are adjourned.

[Whereupon, at 11:14 a.m., the Subcommittee adjourned subject to the call of the Chair.]

[Additional material submitted for the record follows.]

STATEMENT OF PETE CULP, ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE  
PROTECTION, BUREAU OF LAND MANAGEMENT

Thank you for the opportunity to testify on H.R. 3705, the Ivanpah Valley Airport Public Lands Transfer Act, a bill that provides for the transfer of certain public lands to the Clark County Department of Aviation. Although the concept of an airport at this location may have merit, the Bureau of Land Management (BLM) can not support H.R. 3705 in its present form.

H.R. 3705 provides for the conveyance of lands to the Clark County Department of Aviation over a period of 20 years. The lands are to be used for an airport facility and associated industrial and commercial development. The lands are to be conveyed over this 20-year period of time on an as needed basis to the Department of Aviation. Market value for all conveyances are to be based on appraised values determined within 6 months of the passage of the legislation. The lands will be withdrawn from entry under the mining laws. Although no maps have been provided, we understand the lands are located a few miles south of Jean, Nevada.

I would like to discuss the primary concerns that we have with H.R. 3705. Our principal concern with the bill is the conflict that will be created with current land use in the area. In this general area, there are a variety of third-party rights and land uses that conflict with the proposed airport use. One section of land is encumbered by mining claims, the entire area is within a grazing allotment, the Nevada Department of Transportation has two mineral material sites for acquiring gravel for road maintenance in the area, three major power lines and a utility corridor bisect the site, and the area is Desert Tortoise habitat. In addition to providing tortoise habitat, the lands west of Interstate 15 serve as a translocation site for tortoise that are affected by development elsewhere in Clark County. This area is a historical Off Highway Vehicle (OHV) use area and portions of the lands have been designated as a Special Recreation Management Area. There are several OHV loop areas between Primm and Jean that would be eliminated by this proposal. We assume that the airport authority would not desire OHV use near the airport due to the dust created. This area is also used for sky diving which clearly would be eliminated if a new airport is constructed. For all of these reasons, this area is identified in the BLM's Stateline Resource Management Plan as lands to be retained in Federal ownership.

Another significant issue is the conveyance of lands at less than fair market value. The bill requires the Department of Aviation to pay for the lands that are to be conveyed piecemeal over a period of twenty years at the market value determined immediately after passage of the bill. This means that lands being conveyed 15 or 18 years from now will be conveyed at a 1998 market value, assuming passage of this bill this year. Land values can change significantly over that period of time. The bill should be modified to base the values of public lands on fair market value at the time of conveyance.

A third issue of concern is the fact that we do not have a map that shows the lands involved. We have only been able to review a small map showing the proposed site, but we have received nothing official. Not having on file the map referred to in Section 2(a) of this bill causes two problems. First an unofficial small-scale map is not sufficient to offer the Subcommittee a detailed discussion of issues that may exist on the ground. The map we have seen shows an area of 32 square miles as the airport site. About 2,000 acres are the airport and development lands, 4,560 acres are reserved for an Industrial Center and 13,830 acres are buffer zone. The lines differentiating these areas are not legible but seem to follow natural features rather than legal boundaries. As you can see, we are not sure if this bill involves the conveyance of the 2,000 acres identified as airport and development lands or all the acres identified amounting to more than 20,000 acres of public lands.

It is also important to note that on March 5, 1998, the District Court for the District of Columbia, in its decision in *Coast Alliance v. Babbitt*, essentially nullified section 220 of the Omnibus Parks and Public Lands Management Act of 1996, because maps referenced in that section were not on file on the date of enactment of that Act. We, therefore, believe it is essential for the Committee to work with the BLM to develop a dated and officially filed map prior to the markup of this legislation.

As the map is developed, we would ask that consideration be given to identifying boundaries that follow cadastral survey lines in order to allow for conveyances of lands without the time and expense of surveys. It is also requested that the above identified resource and land use conflicts be avoided in preparation of the map if possible.

Another concern deals with the withdrawal of the public lands. The bill withdraws the lands from the mining laws, while not affecting the existing mining claims.

There is no provision for a sunset of the withdrawal at the expiration of the Act or at such time as the Department of Aviation declares that all the desired lands have been conveyed. As written, this provision requires the BLM to go through the time-consuming administrative process to terminate the withdrawal.

Finally, we note that Clark County, as a recipient of Federal grants to construct the Jean Airport, a general aviation airport that opened two years ago near Ivanpah Valley, is obligated by the grant terms to operate and maintain the airport for its useful life. The Federal Aviation Administration (FAA) informally advises that operations by large aircraft at an Ivanpah Valley airport site, as envisioned by Clark County, could likely conflict with the general aviation activity at Jean.

The administration believes, however, that the issues that I have identified can best be resolved and should be resolved in the context of the administrative planning processes of the BLM and the FAA. Clark County's efforts to plan for the future commercial aviation needs of the Las Vegas metropolitan area are commendable. We recognize that initiating the preliminary planning now will ensure the county's ability to provide for air service for the region in the future and, therefore, stand ready to assist the county in every way possible. Nonetheless, we strongly believe that administrative planning processes of the BLM and the FAA are the proper and desirable forum for addressing the county's needs.

That concludes my testimony. I would be glad to answer any questions.

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STATEMENT OF RANDALL H. WALKER, DIRECTOR, DEPARTMENT OF AVIATION, CLARK COUNTY, NEVADA

Mr. Chairman, my name is Randall Walker and I am the Director of Aviation for the Clark County Department of Aviation in Las Vegas, Nevada. I appear today to testify in strong support of H.R. 3705, which authorizes the Secretary of the Interior to convey for fair market value, certain lands in the Ivanpah valley to the Clark County Department of Aviation to allow us a site for the future construction of an airport to serve southern Nevada.

The role of the airport in any community is to provide the airport infrastructure and facilities necessary to enable any and all air carriers to serve the community if they choose to do so. Because Las Vegas has been one of the fastest growing airports in the nation, keeping pace with airline passenger demand has been a significant challenge. At McCarran International Airport, passenger traffic since 1990 has grown 64 percent.

Las Vegas is fortunate. We have direct service to over 50 communities and unlike hub airports, we are not dependent upon any single carrier to maintain this level of air service. Our airport system consists of Las Vegas McCarran International Airport, the tenth largest airport in the United States, the North Las Vegas Airport, which is the 47th largest airport in the country, the Henderson Executive Airport, an important corporate reliever airport for McCarran, the Jean Airport, a sport aviation complex, and the Overton and Searchlight Airports, two general utility airports in rural parts of Clark County. The Department of Aviation operates, as I have mentioned several smaller airports in our airport system. The development of these smaller airports has allowed aircraft operations at our major airport, McCarran, to accommodate primarily large air carrier type traffic instead of having our limited airfield and airspace available become congested with smaller, slower, commuter and general aviation traffic. Providing first class small airport alternatives to McCarran for the smaller, slower aircraft has been crucial to our strategy of keeping delays low at McCarran.

Half the people who come to southern Nevada now come by air. Air traffic into Las Vegas has statistically followed the construction of hotel rooms. Before the year 2000, Las Vegas will add approximately 12,000 more rooms to the inventory. We estimate that every thousand new hotel rooms will generate 275,000 visitors or an annual total of 6 million new tourists, half of whom will pass through McCarran.

Seventy eight years ago when Randall Henderson landed his small airplane on a dirt runway, air service to Las Vegas was initiated. Fifty years ago in 1948, Clark County acquired McCarran field on south Las Vegas Boulevard. Once a small airfield out in the desert, McCarran is now surrounded by the Las Vegas Strip to the West, the University of Nevada Las Vegas to the north, extensive residential, industrial and commercial development to the east and by U.S. Interstate 215 and the Union Pacific Railroad to the south. We cannot expand beyond our present acreage to accommodate the growth we anticipate in the years ahead.

We are proud of the facilities we have constructed at McCarran Airport and with the opening of the new "D" gates terminal last weekend, we will have constructed over \$1.5 billion of new facilities and infrastructure to not only accommodate, but

to stay significantly ahead of this explosive growth. The new "D" gates will provide sufficient facilities to carry us *five* years into the future. The "D" gates terminal is located, however, on *one* of the last spots of aircraft accessible land at McCarran. After the future phases of the "D" gates are complete, *we will not have realistic expansion alternatives* to add additional terminal facilities at the airport.

We now have four air carrier capable runways at McCarran, and due to space constraints, that is all we will ever have room for. Fortunately, with our existing four runways, there is sufficient airfield capacity to allow for additional short and mid term growth. However, once that growth gets above 600,000 annual aircraft operations, (we are currently at 474,000) our runway/taxiway system will produce cumulative delays that exceed an average of forty minutes per aircraft operation. These estimates have been prepared by the Federal Aviation Administration and are contained in the recent report, *Capacity Enhancement Plan for Las Vegas McCarran International Airport*, a copy of which I am submitting for the record. Simply put, we are running out of room at McCarran Airport.

I would like to briefly explain a little bit about the economics of airline service to Las Vegas. For a number of different reasons, Las Vegas is one of the least profitable destinations for the scheduled airlines to serve. This is due to the fact that most people who fly to Las Vegas plan ahead for a vacation or to attend a convention and buy their airplane ticket well in advance to secure the lowest fare possible. Other passengers come to Las Vegas as part of a comprehensive tour package where a tour broker has blocked space with an airline and at a hotel for a deep discount. Finally, many travelers redeem frequent flier miles to fly themselves or their families to Las Vegas at virtually no cost to them and thus no revenue for the airlines. With the majority of passengers traveling to Las Vegas being either advance purchase fares, tour packages or frequent flier redemptions, it is easy to see why Las Vegas is a low yield destination for the airlines.

It is easy to understand why the airlines which service Las Vegas, are very sensitive to the incremental system costs which results from departure and arrival delays. Increasing delays mean higher operational costs attributable to wasted fuel burned on the taxiways, added crew time and additional delays at connecting airports. As the operator of McCarran Airport, we have to be sensitive that delay costs could make it difficult for airlines to add airline service or to maintain existing service levels.

For us to maintain the viability of long term airline service to Las Vegas, we need to find an alternative primary commercial service airport to McCarran. We have studied options for several years and we have concluded there is only one viable alternative airport site. Most of the airspace to the north of McCarran is under the control of the Department of Defense due to the ever increasing military operations at Nellis Air Force Base. This has limited our search to areas south of Las Vegas. The only viable site that has adequate airspace is about 22 miles south of McCarran in the Ivanpah Valley.

Ivanpah Valley is the only site that will allow for a full precision instrument approach that will not result in a severe airspace conflict with the air traffic at McCarran. This site, with the potential for a north-south complex of parallel runways is unusual because it is both flat and devoid of mound terrain off the ends of the future runways. It is also located in close proximity to Interstate 15 and the Union Pacific Railroad which will enhance intermodal transportation and cargo opportunities.

It is our plan to develop this airport as needed by our growth at McCarran. It is likely that the first developments to move to this new airport would be air cargo and charter operations with scheduled air service eventually following as traffic continues to increase at McCarran.

Notwithstanding the opportunity for us to obtain Federal land under Section 505 of the Airport and Airways Improvement Act for free, there is a significant bureaucratic process involved that could take years to complete. Mr. Chairman, we are very anxious to secure this site and we are willing to pay fair market value for the land, which is just a little bit more than 6,000 acres. This new airport is absolutely critical for the Clark County Department of Aviation to fulfill its mission of never allowing the lack of airport infrastructure to be an impediment to people coming to visit Las Vegas, the Grand Canyon or other destinations in Color Country.

Mr. Chairman, thank you for the opportunity to discuss this most important issue regarding the future of our air transportation system in Clark County. I am available to answer any questions you may have.

## STATEMENT OF THE WILDERNESS SOCIETY

Chairman Hansen:

Please include this letter in the June 23 hearing record for H.R. 3705, The Ivanpah Valley Airport Public Lands Transfer Act.

The Wilderness Society opposes H.R. 3705. We believe this bill undercuts existing laws and policies regarding the management, protection, and disposal of public lands. In addition, the bill will damage important public recreational resources, wildlife habitat, and units of the national park and wilderness preservation systems.

As written, H.R. 3705: (1) ignores the existing Federal land management plan for public lands in Clark County, (2) circumvents the planning process called for in the Federal Land Policy and Management Act (FLPMA), (3) prevents adequate public review of the land sale and its environmental impacts, and (4) fails to provide a fair return to U.S. taxpayers by not resuming fair market value for the sale of these lands.

The proposed legislation would be in direct conflict with the existing Bureau of Land Management's Stateline Resource Management Plan. That plan, developed with the full participation of the public and an appropriate environmental review process, determined that the lands identified by H.R. 3705 should remain in Federal ownership. A number of important public benefits and uses of the land, including recreational and wildlife habitat, were the basis for this determination.

Specifically, Section 2 (a) of H.R. 3705 would thwart the requirements of Section 202 of FLPMA and require the sale of these lands in direct contradiction to the existing management plan for the area, without a public participation process to review the proposal and without the environmental review that would necessarily be included in that process.

Section 2 (b) of H.R. 3705 would limit the ability of the Federal Treasury to obtain fair market value for the sale of these lands by restricting the determination of fair market value to the six month period after enactment of the law, rather than at the time of the sale of the lands. This restriction is particularly significant given the 20-year time frame envisioned for the sale of these public lands.

Given the absence of a map, the exact extent and resource impact of the proposed land sale is unclear, but at a minimum, several square miles of public land which supports recreation and wildlife would be turned over for industrial development. Development of the proposed airport would not only directly impact the lands on which it is sited, but it would also lead to significant impacts to the Mojave National Preserve and its wilderness areas.

The Preserve lies directly under the flight paths for aircraft that would use the proposed airport. The western most runway of the airport would be less than ten miles from the boundary of the Mojave National Preserve and flights landing and departing would be at their lowest and loudest levels as they approached the park. These overflights would destroy the area's natural quiet and disturb both visitors and the park's wildlife populations.

The development of an international airport in this area would also attract significant interest in development of the surrounding lands for commercial purposes. Clearly, this would lead to increasing pressure to sell off more public lands to provide for the continuing, uncontrolled sprawl that is Las Vegas.

The public lands and resources affected by H.R. 3705 warrant the careful attention of both the BLM and Congress. These lands should not be disposed of without a considered public planning process that determines that such disposition is in the public's best interest. We believe that H.R. 3705 is an ill-advised bill, particularly in light of the time limitations which the 105th Congress faces in its waning weeks. The Wilderness Society urges Congress to forestall any further action on this legislation, and instead to allow the administrative planning process—with its emphasis on public involvement—an opportunity to address the important issues raised by this bill.

Thank you.

## STATEMENT OF CHARLOTTE INNES, LOS ANGELES, CALIFORNIA

Dear Congressman Hansen,

I am writing to ask that my comments below be made a part of the public hearing record on H.R. 3705, the bill pertaining to the proposed airport in the Ivanpah Valley, Nevada.

I strenuously object to the building of this airport on a site that is less than 20 miles away from one of the most beautiful wilderness spots on earth, the Mojave National Preserve. Such a facility would fill the sky over this quiet spot with the thunder of large, low-flying jets. It would also attract commercial and industrial de-

velopment south of Las Vegas (which is just 30 miles north of the site) right into the heart of the desert, thus despoiling one of the last great desert sanctuaries of the U.S.

I understand that the proposal calls for the transfer of land for the proposed site from the U.S. Bureau of Land Management to the Clark County Department of Aviation. I strongly urge you to recommend against this transfer!

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STATEMENT OF HON. HARRY REID, A SENATOR IN CONGRESS FROM THE STATE OF NEVADA

Mr. Chairman, I submit testimony to you today in strong support of H.R. 3705, which authorizes the Secretary of the Interior to convey for fair market value, certain lands in the Ivanpah valley to the Clark County Department of Aviation to allow us a site for the future construction of an airport to serve southern Nevada. As you know I am the principle sponsor along with my colleague Senator Bryan of companion legislation in the Senate.

Half the people who come to southern Nevada now come by air. Air traffic into Las Vegas has statistically followed the construction of hotel rooms. Before the year 2000, Las Vegas will add approximately 12,000 more rooms to the inventory. We estimate that every thousand new hotel rooms will generate 275,000 visitors or an annual total of 6 million new tourists, half of whom will pass through McCarran.

Weekend before last I attended the opening of the new "D" gates terminal. With the completion of this beautiful facility, we will have constructed over \$1.5 billion of new infrastructure to not only accommodate, but to stay significantly ahead of the anticipated growth at McCarran. The new "D" gates will provide sufficient facilities to carry us ten years into the future. The "D" gates terminal is located however on the last spot of aircraft accessible land at McCarran. After the future phases of the "D" gates are complete, we will not be able to add additional terminal facilities at the airport.

We now have four air carrier capable runways at McCarran, and due to space constraints, that is all we will ever have room for. Fortunately, with our existing four runways, there is sufficient airfield capacity to allow for additional short and mid term growth. However, once that growth gets above 600,000 annual aircraft operations, (we are currently at 474,000) our runway/taxiway system will produce cumulative delays that exceed an average of forty minutes per aircraft operation. Simply put, we are running out of room and we need now to set aside an area that is acceptable as a new airport site for southern Nevada. The Ivanpah Valley is the only site left that will accommodate all the needs of such an airport.

We anticipate a hearing in the Senate on our bill in July with the hope and expectation that we can pass this bill before the Congress concludes. We should be able to do this because the bill is bipartisan and noncontroversial. I am disappointed that the BLM witness at today's hearing has taken a position opposed to this legislation. I understand however that many of the concerns expressed in the BLM testimony are based upon out of date or incomplete information about what is being proposed. I will be working with BLM to address these issues but in the meantime I urge you to move this legislation to markup as soon as possible and we will try to keep pace in the Senate, thank you.