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MESQUITE, NEVADA

AUGUST 3, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1330]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1330) to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1330 is to authorize the city of Mesquite, Nevada, to acquire public land for urban economic growth and for the development of a new commercial airport.

BACKGROUND AND NEED

Mesquite is the one of the fastest growing cities in the Nation. The tourism industry in the area is growing at a rapid rate. A new commercial airport is needed to meet the future regional demands. The proposed airport site is a result of an approved site selection study which was funded through, and approved by, the Federal Aviation Administration.

The city of Mesquite is land-locked by public lands. While some relief has been provided in Public Law 99–548, the growth requirements are exceeding demand and the city expects to be out of room within a couple of years.

S. 1330 authorizes the city of Mesquite, Nevada, to acquire approximately 7,690 acres of public land. The bill amends P.L. 99–548 to authorize the purchase, at fair market value, of 5,400 acres of public land for the urban growth of the city, and a 2,560 acre

site for the development of a new commercial airport site which would be acquired by the city at no cost pursuant to 49 USC 47125.

LEGISLATIVE HISTORY

S. 1330 was introduced by Senator Reid on July 1, 1999. The Subcommittee on Forest and Public Land Management held a hearing on S. 1330 on July 13, 1999. At the business meeting on July 28, 1999, the Committee on Energy and Natural Resources ordered S. 1330 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 28, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1330, without amendment.

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 3 of Public Law 99–548 by adding at the end the following new subsections (e) and (f):

Subsection (e)(1) gives exclusive right to the city of Mesquite for a period of 12 years, to purchase specified parcels of land.

Paragraph (2) describes the parcels of land.

Paragraph (3) requires that within 10 years the city of Mesquite shall notify the Secretary which parcels the city intends to purchase.

Paragraph (4) requires that within one year of notification by the city, the Secretary will convey the parcels.

Paragraph (5) withdraws the parcels described in paragraph (2) for 12 years from all forms of entry and appropriation.

Paragraph (6) requires that the proceeds for the sale of each parcel to be deposited in the special account established in the Southern Nevada Public Land Management Act of 1998 and disposed of as provided in that Act.

Subsection (f)(1) requires the Secretary, within one year of the date of enactment, to convey 2,560 acres of public land in accordance with section 47125 of title 49, United States Code, to city of Mesquite, Nevada.

Paragraph (2) describes the parcels of land to be conveyed.

Paragraph (3) which withdraws the parcels described in paragraph (2) for 12 years from all forms of entry and appropriations.

COST AND BUDGETARY CONSIDERATION

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXXVI of the Standing Rules of the Senate, the Committee makes the following eval-

uation of the regulatory impact which would be incurred in carrying out S. 1330.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1330, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 28, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1330. These reports had not been received at the time the report on S. 1330 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF LARRY FINFER, ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you today to testify on two bills, S. 1329—Nye County Land Acquisition Act and S. 1330—Mesquite Airport Federal Land Transfer Act. Combined, these bills would convey 8,760 acres out of the public domain and into local government management. While the Bureau supports the general intent of these bills, to provide opportunities for these small Nevada communities to expand, we oppose the legislative conveyance and believe the objectives can be accomplished within existing administrative authorities.

The BLM has not received any requests from Nye County or the City of Mesquite to discuss administrative solutions or options to provide land for the proposed uses and facilities. The information on which our testimony is based comes only from our reading of the recently introduced legislation and newspaper reports.

BLM has several options available to support community expansion. Some of the conveyance options available to BLM in lieu of the proposed legislation include land sales, exchanges, airport leases, and the Recreation and Public Purposes Act (R&PP) Act authorizes the sale or lease of public lands for specified recreational or public purposes to eligible State and local governments. Situations where the R&PP Act can be applied include proposed campgrounds, schools, fire stations, landfills, parks and other similar county and community facilities. Another option, an airport lease, could be pursued for the Mesquite airport corridor with the proper application submission. Under this scenario, Mesquite would pay 50% of the fair market value

for the land. This is consistent with current airport lease applications at the Henderson Executive and Jean Airports, also in Clark County.

S. 1329, the Nye County Land Acquisition Act proposes two separate land actions. It proposes to convey 450 acres of public lands (to the county), at no cost, for a Nevada Science and Technology Center and 350 acres at fair market value for the development of a business park to support Department of Energy contractors and suppliers associated with the Nevada Test Site.

The 450 acres for the Technology Center are identified for disposal under BLM's RMP. We may be able to convey the Technology Center properties to Nye County for 50% of fair market value under the authority of the R&PP Act. We would need additional information about the intended use of the facility to determine if the R&PP Act authorities would apply. This information would include a draft development plan and statement of proposed use for the land.

The 350 acres proposed for the business park have been identified for disposal under BLM's October 1998 Las Vegas Resource Management Plan (RMP) and the Bureau would support sale of this property at fair market value within our existing authorities and guidelines.

This bill provides that all proceeds from the sale of these lands will be deposited in a special account established under the Southern Nevada Public Land Management Act of 1998 (SNPLMA). Under this provision, BLM would not be able to recover administrative costs for processing these disposal actions. The SNPLMA currently allows administrative costs to be funded from the special account, but only within the disposal boundary identified by the SNPLMA. We would recommend amending the bill to allow the BLM to recover administrative costs for the disposal actions in Nye County.

S. 1330, the Mesquite Airport Federal Land Transfer Act provides the City of Mesquite the exclusive right to purchase multiple parcels of public lands for commercial purposes (5,400 acres) and development/expansion of an airport corridor (2,500 acres).

Most of the lands proposed for conveyance under this bill have not been identified for disposal under BLM's October 1998 Las Vegas RMP. The RMP identified only 4 parcels of the 29 identified in this bill as suitable for disposal. The Bureau supports the sale of these 4 parcels identified for disposal at fair market value. However, actions regarding the remaining parcels should await future completion of land use plan decisions.

The BLM has two additional concerns for lands not identified for disposal within the Mesquite area. First, the Federal Aviation Administration has not completed a suitability assessment for the airport site to determine its appropriateness for aviation use. Further, development of the Mesquite parcels could affect endangered fish that inhabit the Virgin River.

This bill also provides that all parcels from the sale of these lands will be deposited in a special account under the Southern Nevada Public Land Management Act of 1998 (SNPLMA). Under this provision, BLM would not be able to recover administrative costs for processing of these disposal actions. As we previously noted, the SNPLMA currently allows administrative costs to be funded from the special account, but only within the disposal boundary identified by the SNPLMA. We, again, would recommend amending the bill to allow the BLM to recovery administrative costs for the disposal actions in the Mesquite area.

CONCLUSIONS

The BLM and the Department do not support conveyance of public lands outside of existing authorities. Moreover, these bills create an additional workload for a lands and realty program that has an existing backlog of other land use authorization applications. The preferred approach would be to process these actions using current authorities. We are willing to work with the subcommittee to explore other options that might meet the needs of Nye County and the City of Mesquite.

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

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1330, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE MESQUITE LANDS ACT OF 1988

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SEC. 3. NOTIFICATION AND SALE PERIODS.

(a) FIRST AREA.—* * *

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(e) FIFTH AREA.—

(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

(i) The portion of sec. 27 north of Interstate Route 15.

(ii) Sec. 28: NE¼, S½ (except the Interstate Route 15 right-of-way).

(iii) Sec. 29: E½ NE¼ SE¼ SE¼ SE¼.

(iv) The portion of sec. 30 south of Interstate Route 15.

(v) The portion of sec. 31 south of Interstate Route 15.

(vi) Sec. 32: NE¼ NE¼ (except the Interstate Route 15 right-of-way), the portion of NW¼ NE¼ south of Interstate Route 15, and the portion of W½ south of Interstate Route 15.

(vii) The portion of sec. 33 north of Interstate Route 15.

(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

(i) Sec. 5; NW¼.

(ii) Sec. 6: N½.

(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) The portion of sec. 25 south of Interstate Route 15.

(ii) The portion of sec. 26 south of Interstate Route 15.

(iii) The portion of sec. 27 south of Interstate Route 15.

(iv) Sec. 28: SW¼ SE¼.

(v) Sec. 33: E½.

(vi) Sec. 34.

(vii) Sec. 35.

(viii) Sec. 36.

(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be disposed of by the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

(f) SIXTH AREA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

(ii) The portion of sec. 29 south of Interstate Route 15.

(iii) The portion of sec. 30 south of Interstate Route 15.

(iv) The portion of sec. 31 south of Interstate Route 15.

(v) Sec. 32.

(vi) Sec. 33: W ½.

(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

(i) Sec. 4.

(ii) Sec. 5.

(iii) Sec. 6.

(iv) Sec. 8.

(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

(i) Sec. 1.

(ii) Sec. 12.

(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

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