

CONGRESSIONAL RECORD -- *SENATE*

Thursday, October 17, 2002

107th Congress, 2nd Session

148 Cong Rec S 10769

REFERENCE: Vol. 148, No. 137

SECTION: Senate

TITLE: TO ESTABLISH **WILDERNESS** AREAS, PROMOTE CONSERVATION, IMPROVE PUBLIC LAND, AND PROVIDE FOR HIGH QUALITY DEVELOPMENT IN CLARK COUNTY, NEVADA

SPEAKER: Mr. REID

TEXT: [*S10769]

Mr. REID . Mr. President, I ask unanimous consent that the Senate proceed to the consideration of [H.R. 5200](#).

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5200) to establish **wilderness** areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID . Mr. President, today I rise to comment on the Clark County Conservation of Public Lands and Natural Resources Act of 2002, which is important to southern Nevada and a priority for the Nevada delegation. This broad-based compromise legislation is also important for America. The many provisions in this legislation reflect the many challenges faced by southern Nevada. I would like to highlight some of [*S10770] the ways in which the Clark County Conservation PLAN will enhance the quality of life and economic opportunities for Nevadans at the same time we protect southern Nevada's environment for the benefit of future generations.

When Congress passed the Southern Nevada Public Lands Management Act in 1998, we made the decision that it was in the public interest to transition away from federal-private land exchanges and competitively auction those parcels of land deemed by the BLM as suitable for disposal. This decision has proven quite effective and fair and represents the future of land privatization in Nevada and the West. However, at the time the law was enacted, Congress did contemplate that a limited number of ongoing land exchanges should be completed because of their benefit to the public. The Red Rock Canyon-Howard Hughes exchange is one such exchange. This land exchange has been contemplated for a number of years and enjoys unusually broad support ranging from the County to the environmental community. The time when this exchange should have reached completion through the administrative process has long since passed and a legislative resolution is now in order.

Nevada has nearly 100 **wilderness** study areas on federal land across the state, which remain de facto **wilderness** until Congress acts. These areas, which are primarily owned by the Bureau of Land Management, are managed to protect **wilderness** character of the lands under current law. Those of us who wrote this bill hold different views regarding **wilderness**. But in developing the **wilderness** component of this bill, Senator Ensign, Congressman Gibbons and I made good faith compromises that protect all interested parties as we designated 18 **wilderness** totaling about 450,000 acres and released 220,000 acres from **wilderness** study area status. We believe that this solid compromise represents a critical step toward addressing the outstanding **wilderness** issues in the state of Nevada.

The Clark County Conservation PLAN Act modifies the Southern Nevada Public Lands Management Act and expands the so-called Las Vegas valley disposal boundary. This expansion will make an additional 23,000 acres of BLM land available for auction and development.

One of the most important infrastructure issues facing southern Nevada is siting a new international airport. The County's preferred site is in a dry lake bed between Jean and Primm, Nevada south of the Las Vegas Valley in the Interstate 15 transportation corridor near the California border. Congress made federal land at that site available for use as an airport, pending environmental reviews. The Clark County Conservation PLAN complements that law in two important ways. First, our bill conveys federal land adjacent to the proposed airport to the Clark County Airport Authority so that it can promote compatible development within the area impacted by the noise of the airport. Second, our bill directs the Bureau of Land Management to reserve a right-of-way for non-exclusive utility and transportation corridors between the Las Vegas valley and the proposed airport. However, both of these provisions are contingent upon a positive record of decision on the environmental impact statement for the planned Ivanpah Airport.

One of the most precious areas in southern Nevada is a humble canyon near Henderson. It is an area graced with hundreds of petroglyphs. This canyon is in desperate need of protection because it is within a short walk of the Las Vegas valley. Similar resources elsewhere in the desert Southwest have been destroyed by urban encroachment.

The Clark County Conservation PLAN designates the Sloan petroglyphs site and the area that comprises most of its watershed as the North McCullough Mountains **Wilderness**. **This wilderness** combined with about 32,000 acres of open space comprises the proposed Sloan Canyon National Conservation Area. The NCA and **wilderness** will provide critical protection for the Sloan petroglyphs, preserve open space near Henderson's rapidly growing neighborhoods and together represent a legacy of cultural and natural resource conservation our grandchildren will value dearly.

The sheer number of public lands bill requests Senator Ensign and I receive is daunting. If we introduced separate legislation to address each legitimate issue that constituents bring to our attention, we would create an awkward patchwork of new federal laws. The Clark County Conservation PLAN provides a comprehensive vision and framework for conservation and development in southern Nevada that balances competing interests.

The final title of our bill includes a select few of the many important public interest land conveyances. For example, we include two land grants to further the higher education mission of Nevada's university system.

Our bill conveys a small active shooting range to the Las Vegas Metropolitan Police Department for training purposes. We grant a modest parcel of land to the City of Las Vegas for the development of affordable housing. These small but important actions will help our communities, law enforcement, and educational system better serve southern

Nevada.

I would like to address some concerns regarding provisions in the House version of the Clark County Conservation PLAN raised by a number of Nevadans some of which may be shared by the Chairman of the Senate Energy and Natural Resources Committee, Senator Bingaman. The title in question involves a Bureau of Reclamation title transfer and confusion over whether this provision would be subject to existing laws and how the final maps will be drawn. I want to emphasize to my colleagues that this legislation transferring right, title and interest in the Humboldt Project specifically contemplates in section 808 that the Secretary of the Interior will comply with the National Environmental Policy Act, the Endangered Species Act, and all other applicable laws, such as the National Historic Preservation Act, prior to any conveyance of title. In passing this legislation, Congress intends that a thorough environmental analysis of the transfer be undertaken prior to transfer so that decisionmakers are fully informed of any environmental impacts associated with the transfer. In fact, section 804(e) addresses the issue of the costs associated with complying with NEPA, again underscoring Congress's anticipation that a thorough NEPA review will be undertaken. In addition, it is our intent that an analysis of any species listed as endangered or threatened under the Endangered Species Act take place prior to the transfer. Congress recognizes that these environmental reviews are necessary prior to conveyance to ensure that any appropriate conditions to mitigate impacts of the transfer can be implemented. I think the language of the bill is straightforward but appreciate the concerns that have been raised in this regard and hope that my statement clarifies this point.

In addition, section 803(a) references a map dated July 3, 2002, which depicts the lands and features of the Humboldt project. Subsection (b) of section 803 directs the Secretary to submit a map of the Humboldt Project Conveyance as soon as practicable after the date of enactment of the legislation. In case of a conflict between the map referred to in subsection (a) and the map submitted by the Secretary under subsection (b), the map referred to in subsection (b) is to control. This provision is included to allow only for clarifying clerical and technical modifications to the map. We anticipate that any discrepancy between the maps referred to in subsections (a) and (b) will be minimal.

Senator Ensign and I are proud of the progress we have made and believe that this bill could serve as a model for bipartisan cooperation and constructive compromise. We are grateful for the work done in the House of Representatives by Congressman Gibbons and Congresswoman Berkley to convince their colleagues of the importance of this bill which led to a unanimous favorable vote on October 16.

I also appreciate the assistance we received from Senator Bingaman and Senator Wyden, as chairmen of the full and subcommittees with jurisdiction over this bill, they played critical roles in improving the bill. In addition Senate Energy and Natural Resources Committee staff worked very hard, particularly over the past month to perfect this legislation. The long hours and expertise of these professionals, including David Brooks, Kira Finkler, Patty Beneke, Bob Simon, Shelley Brown, Sam Fowler, Dick Bouts, and Jim Bierne and House staff including Robert Uithoven, Rick Healy, Jim Zoia, Tim Stewart, Rob Howarth, Lisa Pittman, Lisa Daley and Dayne Barron, made passage of this bill possible but more importantly made our bill better. Often overlooked in the development of a bill such as this one is the [*S10771]

work done by federal employees who work for the public land management agencies. In the development of this bill, however, such oversight would be inexcusable because Bob Abbey, Mark Morse, Laurie Sedlmayr, Donn Siebert, Robert Taylor, Demetrius Purdie-Williams and Jeremy Noble, Bill Dickinson, Dick Birger, and many others provided valuable insights and assistance without which this bill would not have been possible. John Lopez of Senator Ensign's staff and my staff met with hundreds of Nevadans to ensure that this bill is a Nevada bill that is good for America. Among these individuals,

Clint Bentley, John Wallin, Jeremy Garnicarz, Blake Monk, John and Hermi Hiatt, Larry Johnson, Roger Scholl, Elise McAllister, Terry Crawford, John Moran, Jr., Kevin Mack, Chuck Musser, Jane Feldman, Doug Hunt, Pam Wilcox, Kelly Jensen, Cal Baird, George Reyling, Toni Worley, Mike Carey, as well as representatives of the many municipalities in Clark County played particularly important roles. Countless others provided constructive suggestions and support that led to this point.

Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 5200) was read the third time and passed.