

United States House of Representatives
Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands

Testimony on H.R. 2299, Southern Nevada Limited Transition Area Act
July 15, 2008

Written Statement of the Honorable James B. Gibson
Mayor, The City of Henderson, Nevada

Thank you Chairman Grijalva and members of the Subcommittee for holding a hearing on H.R. 2299, the Southern Nevada Limited Transition Area Act (hereinafter referred to as the LTA Act). My name is James B. Gibson and I am the Mayor of the City of Henderson, Nevada. The LTA Act would serve important purposes for the City of Henderson, its residents and the federal government. Its enactment this year by Congress is important for numerous reasons listed herein.

About the City of Henderson (www.cityofhenderson.com)

Henderson is located in Clark County, in Southern Nevada, just south of the City of Las Vegas, and about five miles from the Las Vegas Strip. Henderson was incorporated in 1954, and began a decade before that, with the establishment of the Basic Magnesium plants, which supplied magnesium to the United States military during World War II. Our city is now the second largest in Nevada. *MONEY Magazine* has listed Henderson as one of the top 20 places to live in the United States and we have been recognized as well by *Forbes Small Business* as one of the top 100 cities in America for small business.

I was raised in what is called “old Henderson,” when it was a small town. Henderson has grown far beyond the boundaries of that original townsite built around the Basic Magnesium plants. Our city limits now encompass approximately 103 square miles of land, and Henderson’s population is over 270,000 people. By 2030, Henderson is projected to add almost 200,000 residents. People will continue to move to Southern Nevada in large numbers for the foreseeable future because we offer a great quality of life. Many of those people will choose Henderson as their home.

On Henderson’s eastern, southern and western borders are thousands of acres of public lands managed by the Bureau of Land Management (BLM). Some of these lands are slated for future disposal and development under the Southern Nevada Public Lands Management Act of 1998, Public Law 105-263 (hereinafter referred to as the Public Law) others will remain in federal ownership. Thousands of acres already have been sold to private parties and are under development currently for residential and commercial uses. Thus, Henderson’s history – and its current and future growth – is tied directly to federal law and policy governing the management and disposal of public lands.

Henderson's current and near-future growth will be concentrated on its western end, as the attached map illustrates. In 2004, the BLM sold approximately 1,900 acres of land in this area to a consortium of developers. That area will become Henderson's newest master planned community called Inspirada.

One of the major amenities of this new and growing part of Henderson is the Henderson Executive Airport, which is located within miles of both Interstate 15 and Interstate 215. The Henderson Executive Airport is located in close proximity to the Inspirada community, other fully developed master-planned communities, and vacant private and public lands slated for future disposal/development. The Clark County Department of Aviation (DOA), which operates the Henderson Executive Airport, plans to increase air traffic substantially during the next few years as a part of a strategy to relieve congestion at McCarran International Airport in Las Vegas. The DOA has invested over \$30 million in federal funds to improve the Henderson Executive Airport and is positioning it as "the corporate choice for aviation in Las Vegas . . . and the ideal alternative to McCarran International Airport."

The DOA's plan creates great economic opportunities for Henderson, but also poses challenges that we believe will be solved by the passage of the LTA Act. We want to plan well in advance of development of this area so that residential, commercial and industrial development can be coordinated with the growth of the Henderson Executive Airport, and future disputes over noise and other land use conflicts can be avoided.

The City has developed its own economic development plan for the area surrounding the Henderson Executive Airport which encourages appropriate nonresidential uses for the Limited Transition Area (LTA) and prevents residential development within flight paths and other areas anticipated to be affected by airport noise. The City's economic development objectives cannot be accomplished without the enactment of the LTA Act. For that reason, we strongly support the enactment of the bill before this Congress adjourns.

About H.R. 2299 – The Southern Nevada Limited Transition Area Act (LTA Act)

H.R. 2299, introduced on May 14, 2007 by Representative Dean Heller of Nevada and cosponsored by Nevada delegation colleagues Representatives Shelley Berkley and Jon Porter, would direct the Secretary of Interior to convey 502 acres of federal land surrounding the Henderson Executive Airport – land that is already slated for disposal under current guidelines – to the City of Henderson. The Senate Majority Leader and his Nevada colleague Senator John Ensign introduced a companion bill – S. 1377 – on May 14, 2007.

The Senate Subcommittee on Public Lands and National Forests (of the Senate Energy and Natural Resources Committee) held a hearing on S. 1377 on September 20, 2007. The full Senate Energy Committee reported the bill without amendment on January 30, 2008 and recommended that it be enacted. The Committee issued its written report on the bill – Senate Report 110-294 – on April 10, 2008. A copy of the Senate Report can be accessed at [http://www.thomas.gov/cgi-bin/cpquery/R?cp110:FLD010:@1\(sr294\)](http://www.thomas.gov/cgi-bin/cpquery/R?cp110:FLD010:@1(sr294)).

The LTA Act would:

- direct the Secretary of Interior to convey approximately 502 acres of land to the City of Henderson without consideration (Section 3(a));
- authorize Henderson to convey the land for “nonresidential purposes” (Section 3(b));
- require that Henderson convey the land only pursuant to a competitive bidding process, and that it recover fair market value (Section 3(b));
- require that sale proceeds be distributed pursuant to Section 4(e) of Public Law 105-263 (85% to the BLM, 10% to the Southern Nevada Water Authority, and 5% to the Nevada State General Education Fund)(Section 3(b));
- require that the City planning process for use of the land be consistent with federal airport noise compatibility planning (Section 3(d));
- allow the City to retain parcels for public purposes, consistent with the requirements of the Recreation and Public Purposes Act (43 U.S.C. § 869 *et seq.* (“RPPA”))(Section 3(c)); and
- provide that lands not conveyed or used for public purposes within twenty years of enactment may, at the option of the Secretary, revert to the United States (Section 3(e)).

The LTA Act is modeled on existing federal legislation that allows for the conveyance of lands surrounding airports for uses that are consistent with local land use planning goals and with federal airport noise compatibility requirements.

It is commonly held that traditional industrial and commercial developments tend to develop in smaller tracts of land over longer periods of time. The LTA consists of 502 acres. One parcel is approximately 148 acres and the second parcel is approximately 354 acres. Without The LTA Act, the BLM would be constrained and unable to auction the land in the smaller parcels needed to protect the airport environs and maximize the financial return to the federal government.

Disposal of federal land under the current law works well in almost all instances. However, as demonstrated in this case, there are some unique circumstances which require this specific legislation.

First, to protect the future of the Henderson Executive Airport, the amount of air traffic over the LTA dictates that only non-residential uses are appropriate. The attached maps illustrate the exponential increase of air traffic in the past five years. The 2003 map provided the impetus for the City to study the feasibility of creating this LTA.

Second, current law requires that the BLM dispose of the property in an “as is” condition. That means the two existing parcels (148 acres and 354 acres, approximate) would be auctioned without a master plan or subdivision of the parcels. This will obviously decrease the value of the

property and render financially viable industrial and commercial development difficult if not impossible.

Third, non-residential development is absorbed by the market at a slower pace. Demand is for parcels much smaller than the two existing parcels and is generally in the range of 100 to 120 acres. The size of the existing parcels would be more attractive to the residential market, which would result in incompatible uses in such close proximity to the Henderson Executive Airport.

Finally, the City of Henderson, unlike the BLM, has the ability to master plan the LTA. The provisions of this legislation would allow the City to subdivide the property into parcels that would be more attractive to the commercial and industrial markets. Ultimately, the value of the land will increase and the amount of revenue that will be returned to the federal government will be maximized.

Important Points Regarding the Legislation

We ask the Committee to consider the following points:

- The BLM supports this legislation. Michael Nedd, Assistant Director of Minerals, Realty and Resource Protection for the BLM gave favorable testimony before the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests, in September 2007. Mr. Nedd stated that the BLM supports the identical legislation in the Senate (S. 1377) and “efforts to appropriately plan for development around the Henderson Executive Airport.”
- The LTA Act maximizes the return of revenue to the federal government while protecting the Henderson Executive Airport from encroaching residential growth.
- The LTA Act requires that Henderson obtain fair market value for the LTA lands. Consistent with the provisions of the Federal Land Policy and Management Act, 43 U.S.C. § 1701 *et seq.* (“FLPMA”) and the Public Law, the LTA Act requires that the City obtain “fair market value” for any lands conveyed to third parties under the Act. The only exception is for land retained by Henderson for public purposes consistent with the R&PP Act.¹ Further, the land must be sold by competitive bid. The LTA Act is consistent with the Public Law and does not extend its authorities or the disposal boundaries.
- The LTA Act is not open-ended. The Secretary may elect to trigger a reversion of any unconveyed lands in the LTA after twenty years. The provision ensures that the transfer of land out of federal ownership is not open-ended; Henderson must act on its economic development plans within a reasonable time.

Conclusion

We consider The LTA Act to be a vital component of our long term economic plan for the City of Henderson. It is crucial that we maximize the continued viability of Henderson Executive

¹ Pub.L. 105-263, § 4(a); 43 U.S.C. § 1701(a)(9).

Airport and ensure that development around the airport is consistent with federal aviation policy and City planning and zoning restrictions.

We appreciate the Subcommittee's scheduling of this hearing, and the opportunity to offer testimony. I urge you to report the legislation without delay and without amendment for further action by the full House of Representatives. I welcome the opportunity to answer Members' questions during and after my testimony before the Subcommittee, and invite you to contact me should further questions arise.