

TESTIMONY PRESENTED BY:
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT
Gale Wm. Fraser, II, P.E.
General Manager/Chief Engineer
600 S. Grand Central Parkway, Suite 300
Las Vegas, Nevada 89106-4511
(702) 455-3139

TESTIMONY PREPARED FOR:
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

TESTIMONY IN SUPPORT OF:
H.R. 816

October 23, 2007

Mr. Chairman and members of the Subcommittee, my name is Gale Fraser. I am the General Manager and Chief Engineer of the Clark County Regional Flood Control District (District) in Las Vegas, Nevada. I greatly appreciate the opportunity to appear before you and present testimony in support of H.R. 816. This piece of legislation is important to our community and particularly those citizens who live and work in the shadow of Sunrise Mountain. As you know, the bill would make a slight modification to the boundary of the Sunrise Mountain Instant Study Area and grant right-of-way to Clark County, Nevada, for the construction and maintenance of the Orchards Detention Basin and Collection System project. Without this project, a portion of the Las Vegas Valley will be unprotected during heavy rains and flooding. The residential communities we seek to protect are directly adjacent to the boundary of the Sunrise Mountain Instant Study Area. This study area covers approximately 10,240 acres most of which is steep mountain slopes. Without this minor boundary modification of 65 acres, there is no available land and, therefore, no feasible way to offer flood protection to these residents.

H.R. 816

As you know, the United States Government's Bureau of Land Management (BLM) is prohibited from issuing right-of-way grants on lands that have Wilderness Study Area status. The passage of H.R. 816 is required to change the boundary which would allow the Orchards Detention Basin and Collection System project to be constructed. This flood control improvement is identified on the District's Master Plan and, once constructed, will mitigate the potential flooding risk to more than 1,200 acres which has over 2,500 homes and three schools. (Exhibit A)

The current cost estimate for this project is \$9,000,000. Every year the project is delayed, the cost escalates by more than \$1,000,000 per year. With each year delay, not only is this area of the community vulnerable to flooding, the increasing construction costs impact our ability to build other needed flood control improvements throughout the county.

As evidence of the support present in our community and the significant need for this request we offer the following items as exhibits to my testimony.

- **Sunrise Mountain Homeowners Petition** – A January 1999 petition signed by more than 80 homeowners who live in the area damaged by a September 11, 1998 flood is included. (Exhibit B)
- **September 11, 1998 Flood Pictures** – These pictures clearly show flood waters in this neighborhood following torrential desert rains off of the mountainous terrain adjacent to the study area. (Exhibit C)
- **Map of Boundary Change Request** – The map details the Orchards Detention Basin and Collection System and portion of Sunrise Mountain Instant Study area needed for project construction. (Exhibit D)
- **Resolution No. 07-2** – In April 2007, the Clark County Regional Flood Control District Board of Directors, composed of local elected officials, approved a resolution supporting federal legislation to change the boundary to allow construction of the Orchards Detention Basin and Collection System. (Exhibit E)
- **Clark County Letter of Support** – From the Clark County Manager's Office, a letter urging federal legislation to change the boundary to allow construction of the Orchards Detention Basin and Collection System. (Exhibit F)

Background

Clark County continues to experience unprecedented growth. In the past 20 plus years, people have moved into our area from all parts of the nation to seek employment, provide necessary services, retire in the Sunbelt, and become part of this dynamic community. Approximately 6,000 people relocate to the Clark County every month of the year. Currently the population exceeds 1.9 million and continues to be one of the fastest-growing metropolitan areas in the nation.

Of the 4.2 million acres within Clark County, the BLM holdings constitute approximately 66 percent of those lands. The high concentration of public lands combined with their proximity to such a fast growing community provide challenges for the District in meeting its mission to improve the protection of life and property from the impacts of flooding. Working with the local BLM office, we have been successful in acquiring needed lands through right-of-way applications for other areas to meet the flood control needs of our community.

The District's Master Plan identifies 136 detention basins and 858 miles of conveyance systems to fulfill our mission. Since created in 1986, the District has worked aggressively to complete 76 detention basins and more than 450 miles of conveyance systems. While our desert valley receives an average of only 4.5 inches of rainfall each year, the area has also experienced severe thunderstorm storms that have resulted in destructive flash flooding and loss of life. In just the last decade, 100-year storms have pounded Clark County in 1998, 1999, 2003, 2005 and as recently as this past summer of 2007. The July 1999 storm was declared a Presidential Disaster Area when more than 3 inches of rain fell in less than 1½ hours. Channels and detention basins were documented raising more than 1 foot of water per minute. It is storms like these that make it imperative the District continue to build flood control improvements as quickly as possible.

Conclusion

The District has secured overwhelming support for H.R. 816 from the community. The District also believes that BLM will not object to H.R. 816 due to testimony on July 30, 2002, from then BLM Nevada State Director Robert Abbey. He testified before the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands and Forests on S. 2612 that he supported releasing the entire Sunrise Mountain Instant Study Area from Wilderness Study Area status and from wilderness interim management protection.

I would respectfully remind the committee that flood control measures are a necessary and prudent investment to prevent loss of life and damage to citizen's homes and businesses. Flood control is a wise investment that will pay for itself by preserving life and property and, thereby, reduce the likelihood of seeking federal disaster assistance.

The Clark County Regional Flood Control District, Clark County, and the residents who will benefit from the Orchards Detention Basin and Collection System project request your support and recommendation for passage of H.R. 816.

Orchards Detention Basin (area protected by project)

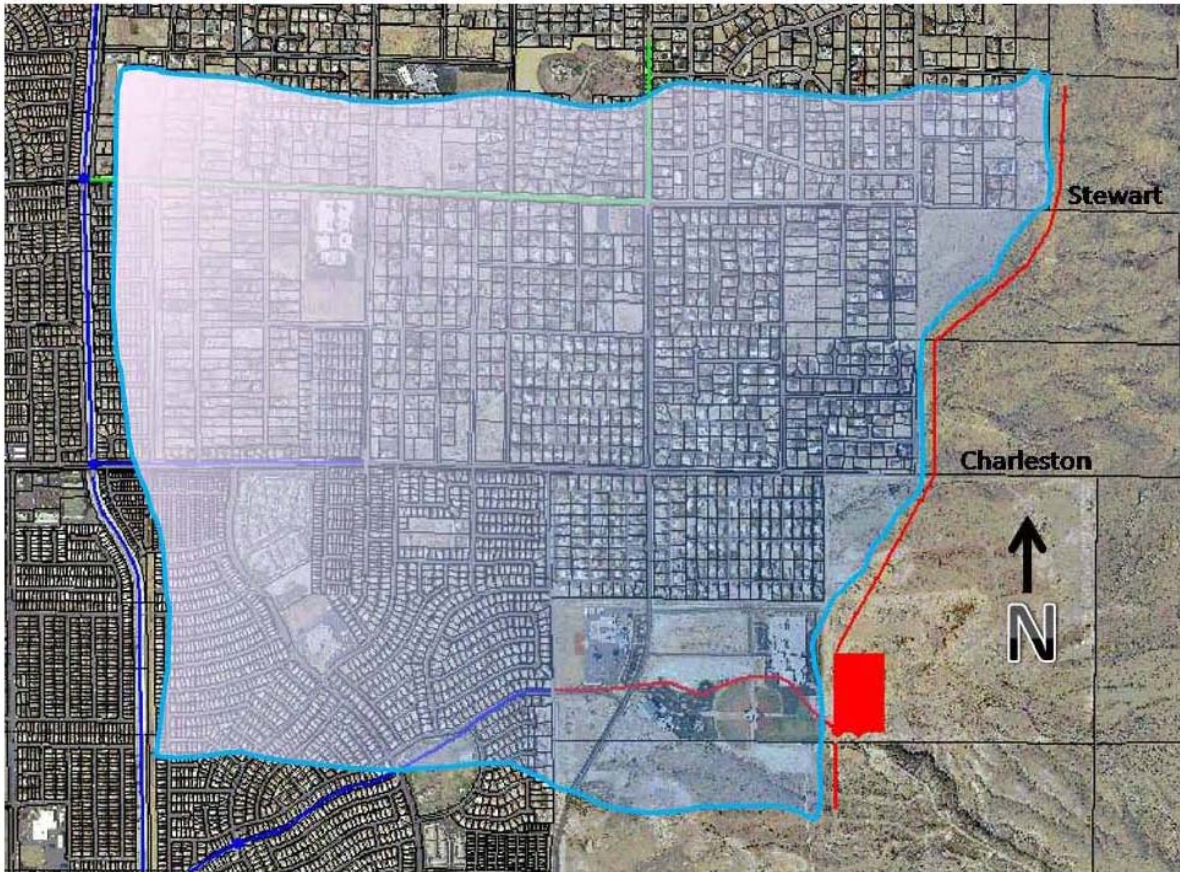


EXHIBIT B (page 1 of 3)

TO: Clark County Community Planning Commission
FROM: The citizens, Homeowners and Property Owners of Sunrise Mountain
DATE: January 15, 1999
RE: Flood Damage Prevention

On September 11th, 1998, a tremendous rainstorm hit the Las Vegas area and caused thousands of dollars of damage to the homeowners and property owners who own homes and lots on Sunrise Mountain. According to the local newscasts, our area received two inches (2") of rain in a forty-five (45) minute period. As a result of the run-off, many homeowners and property owners experienced significant damage to their properties, including damage to block walls, home sidings, carpeting, landscaping, etc.

In anticipation that there will inevitably be future rainstorms with the potential to cause similar damage, several of the homeowners representing the vast majority of the homeowners on Sunrise Mountain attempted to meet with County officials to explore what could be done to minimize the damage from future natural disasters. We provided the officials with whom we met with copies of photographs and of home videos recording the extent of the damages.

To date, we have had minimal cooperation/support from officials of Clark County Community Planning. Mr. Steve Parish from the County Commissioner's Office offered to have a set of engineering plans drawn on our behalf, provided that we paid for the plans ourselves. It is our position that the County Planning Commission did not fulfill their fiduciary responsibility to apprise the homeowners of Sunrise Mountain as to the possibility of rainstorms of this magnitude affecting our properties, and therefore we had no way to anticipate the extent of any run-off damage. Consequently, we believe that it is the responsibility of the County to conduct a study assessing our exposure in the event of future storms and to take necessary preventive measures to mediate any potential future damage to our properties. Furthermore, we submit that the cost for any such studies and associated engineering plans should be the sole responsibility of the County, and that the cost of appropriate flood control measures should also be borne by the County.

By our signatures on the attached petition, we are formally requesting that the appropriate County offices conduct such assessments and produce appropriate engineering plans so as to enable the residents, homeowners and property owners to take the necessary preventive measures to protect our properties from future damages. It is our intention to avoid any lawsuits against the County for negligence on their part, but will certainly exercise all rights and remedies available to us in order to secure our homes from preventable future damage.

Thank you in advance for addressing this issue expeditiously. You may respond directly with each of the signatories on this petition regarding your decision regarding our request.

EXHIBIT B (page 2 of 3)

Petition:

We, the homeowners of Sunrise Mountain on the east side of Las Vegas in the County of Clark, hereby petition to have the City Council or appropriate County officials to commission a set of engineering plans on our behalf and to subsequently perform any and all work necessary to protect our homes from future damage from rainstorm run-off.

Property Owner	Address	Telephone	Signature
Betty G. Ryan	509 Los Feliz	453-2366	Betty G. Ryan
George H Jenkins	540 Los Feliz	453-3195	George H Jenkins
Chemi Stolt	7180 Copper Rd	454-0155	Chemi Stolt
Mary Stolt	7150 Copper Rd	453-1429	Mary Stolt
Walter Lange	565 Los Feliz St	438-3619	Walter Lange
STEPHAN JUDKOW	3577 BRIDGEWAY	477-0589	S. Judk
MARCELO CECILIO	587 Los Feliz	437-2390	M. Cecilio
Thomas A. Stearns	609 Los Feliz	452-2370	Thomas A. Stearns
Clark A. Eusewith	565 N. BENEDECT DR	430-0507	Clark A. Eusewith
Arthur Mills	517 BENEDECT DR	390-0997 397-1067	Arthur Mills
Larry Srouder	518 Benedict DR	453-7720	Larry Srouder
Billy Hale	482 Bened:ct DR	457-8408	Billy Hale
Robert Kurth	7039E. Mesquite Ave.	438-4631	Robert Kurth
Lee Rasmussen	608 BENEDECT DR	453-1012	Lee Rasmussen
Pat Sanchez	448 Los Feliz St	458-7704	Pat Sanchez

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Property Owner	Address	Telephone	Signature
Roxanne Pollack	435 Los Feliz	385-6050	Roxanne Pollack
Diana Estrada	480 PROBST WAY	453-6415	Diana Estrada
William Williams	440 PROBST WAY	459-4341	William Williams
Steve Clark	440 PROBST WAY	452-1668	Steve Clark
J.C. McCarroll	7052 E. STEWART AVE.	452-6736	J.C. McCarroll
Lori Williams	310 Vista Alley	459-6303	Lori Williams
St. Cummings	5005 Los Feliz	452-0865	St. Cummings
OSCAR DREKE	665 RADWICK	452-2571	Oscar Drake
Kandy Whitehead	495 Rosmore	458-5783	Kandy Whitehead
Kenneth D. Elder	500 N. Benedict Dr	459-5358	Kenneth D. Elder
Patricia Ingstad	530 Los Feliz St.	459-5372	Patricia Ingstad
Abner Peltier	573 Kennedy Ave	452-2850	Abner Peltier
Setanya Peltier	573 Kennedy Ave	452-2850	Setanya Peltier
Robby Mann	564 RADWICK DR	464-3315	Robby Mann
Jim H. Baker	565 Los Feliz		Jim H. Baker

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Property Owner	Address	Telephone	Signature
Shirley IHA Alameda	485 N. Sari Dr	453-2191	Shirley IHA Alameda
Chizuko I Nagle	485 N. Sari Dr	453-2191	Chizuko I Nagle
GEORGE RADICH	6990 MESQUITE AVE	438-3926	George Radich
MELANIE K. RADICH	6990 MESQUITE AVE	438-3926	Melanie K. Radich
ALYSON HALL	406 SARI DR.	431-4405	Alyson Hall
GALE HALL	406 SARI DR.	431-4405	Gale Hall
Hilary Bages	510 Sari Dr	453-8090	Hilary Bages
DARCEL BAGES	510 Sari Dr.	453-8090	Darcel Bages
John Johnson	564 Sari Dr.	457-2330	John Johnson
Mark Johnson	564 N. Sari Dr.	457-1866	Mark Johnson
John Johnson	575 Sari Dr.	453-0422	John Johnson
Ted Hague	575 Sari Dr.	453-0422	Ted Hague
Dick Hayes	445 Sari Dr	457-9147	Dick Hayes
Korina Hayes	445 Sari Dr	457-9147	Korina Hayes
SOLENE MILLI	727 RADWICK DR	459-2784	Solene Milli
JERRY MILLI	727 RADWICK DR	459-2784	Jerry Milli

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Property Owner	Address	Telephone	Signature
Gregory A. Davis	676 Los Feliz	453-6482	Gregory A. Davis
Judy C. Davis	680 Los Feliz	453-6482	Judy C. Davis
Wayne D. Hiatt	684 Los Feliz	453-8627	Wayne D. Hiatt
Brett Bonnell	664 Los Feliz	459-7350	Brett Bonnell
Thomas Bonnell	668 Los Feliz	459-7350	Thomas Bonnell
Thomas Bonnell	664 Radwick Dr	432-9521	Thomas Bonnell
Thomas Moore	6854 Beverly Blvd	452-3181	Thomas Moore
Saul W. Moore			Saul W. Moore
TEO HAAS	575 SARI DR	457-0006	Teo Haas
Miklos Mehes	7240 COPPER RD	457-4747	Miklos Mehes
John Kane	7230 Copper Rd	457-3141	John Kane
Maria Leon	2885 Peaceful	452-5721	Maria Leon
Dennis Shilley	2885 Peaceful	452-5721	Dennis Shilley
Norman W. Moore	274 Peaceful St	453-5427	Norman W. Moore
MILTON EGARIDE	315 PEACEFUL ST		Milton Egarride
KEVERSHAN	LAS VEGAS, NV 89110	452-5585	Kevershan

EXHIBIT B (page 3 of 3)

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Property Owner	Address	Telephone	Signature
STEVE KONASTAS	380 USTA VALLEY	438-6120	
MIKE LEESON	385 VINA VALLEY	452-6494	
JOHN ANDREZEJENSKI	345 USTA VALLEY	432-2928	
CHRISTOPHER C. KILGUS	395 RADWICK DR	459-5706	
RONALD S. PETERSEN	767 N. Los Feliz	452-5104	
JANANNA PETERSEN	745 Los Feliz	437-1175	
ROBERT G. BROWN	546 N. Rosmore Dr.	462-2254	
NELL DAVIS	6983 E Bonanza Rd	438-4760	
Richard W. Davis	6983 E. Bonanza Road	438-7760	
Jocelyn K. Jensen	767 N. Los Feliz	452-3104	
RONALD CUNDICK	7233 LINDEU AVE	459-9626	
PATRICIA CUNDICK	7233 LINDEU AVE	459-9626	

Petition:

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Property Owner	Address	Telephone	Signature
Nick Pignatelli	3402 Copper Rd	702-438-3224	
N. Brown	675 Los Feliz	641-1714	
Don Tomlin	7198 Beverly Glen	453-6079	
Rumi Brown	494 Los Feliz	479-3376	
Evelyn Tackitt	6967 E Bonanza	453-9026	
William Hoffmann	6889 Beverly Rd	438-1657	
Forest Hoffmann	6889 Beverly Rd	459-0762	
Patricia Powell	7151 Copper Road	459-7997	

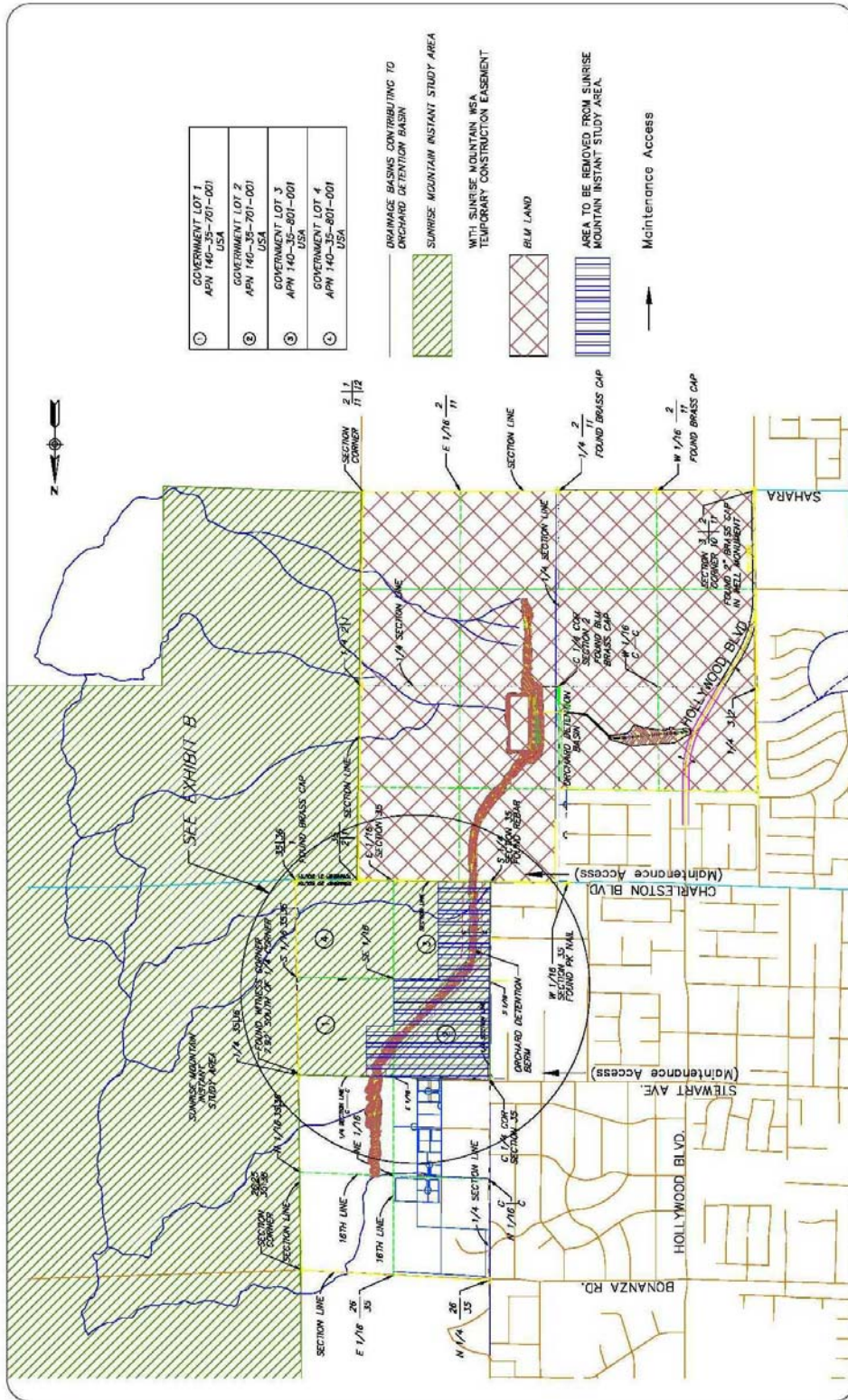
EXHIBIT C (page 1 OF 2)



EXHIBIT C (page 2 of 2)



EXHIBIT D (page 1 of 1)



RESOLUTION NO. 07-2

**TO SUPPORT FEDERAL LEGISLATION TO CHANGE THE BOUNDARIES
OF THE BUREAU OF LAND MANAGEMENT'S
SUNRISE MOUNTAIN INSTANT STUDY AREA
TO ALLOW FOR THE ISSUANCE OF A BLM
RIGHT-OF-WAY GRANT FOR THE CONSTRUCTION OF A
CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT PROJECT
KNOWN AS THE
ORCHARDS DETENTION BASIN AND COLLECTION SYSTEM**

WHEREAS, the Clark County Regional Flood Control District's Las Vegas Valley Master Plan has identified a flood control project know as the Orchards Detention Basin and Collection System located near the intersection of Los Feliz Street and Charleston Boulevard on the eastside of the Las Vegas Valley near the base of Sunrise Mountain as an integral part of its statutorily mandated responsibility to protect the County's residents from the damage of flood waters, and;

WHEREAS, the District has already initiated the funding for design of the project through an Interlocal Contract with Clark County in July 2000, and has amended the contract over time to also include necessary rights-of-way, environmental, and an emergency action plan with a current contract amount of \$1,274,700, and;

WHEREAS, the plans and specifications for the project are seventy percent complete, and the most economical way to direct flood flows to the basin is by a collection system earthen dike which traverses through a small 65 acre corner of the 10,240 acre Bureau of Land Management's Sunrise Mountain Instant Study Area, and;

WHEREAS, the project, once constructed will mitigate the potential flooding risk to over 1,200 acres of the Las Vegas Valley's eastern residential communities which include three schools and over 2,500 homes and businesses, and;

WHEREAS, the current estimated construction cost is \$9,000,000 and construction costs are escalating each year the project is delayed, and;

WHEREAS, the Bureau of Land Management, after a thorough review and study, recommends that the Sunrise Mountain Instant Study Area's wilderness study area status be released for other uses, primarily because of its lack of wilderness characteristics, and;

WHEREAS, the Bureau of Land Management is precluded from issuing a rights-of-way grant in instant study areas, and;

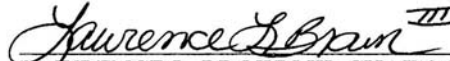
WHEREAS, the modification of the boundary of the Sunrise Mountain Instant Study Area can only occur through passage of federal legislation to remove the 65 acres from the Sunrise Mountain Instant Study Area;

EXHIBIT E (page 2 of 2)

NOW THEREFORE, BE IT RESOLVED that the Clark County Regional Flood Control District urges the Nevada Congressional delegation to introduce, support and seek passage of federal legislation that would modify the boundaries of the Sunrise Mountain Instant Study Area to allow for the immediate construction of the Orchards Detention Basin and Collection System project which is critically necessary to protect the lives and property of the impacted residents.

PASSED, ADOPTED AND APPROVED this 13th day of APRIL, 2007.

BOARD OF DIRECTORS
CLARK COUNTY REGIONAL FLOOD CONTROL
DISTRICT
CLARK COUNTY, NEVADA



LAWRENCE L. BROWN III, CHAIRMAN

ATTEST:



CAROLYN FRAZIER, BOARD SECRETARY



Sec: Gale Frasier
Office of the County Manager

500 S Grand Central Pky 6th Fl • Box 551111 • Las Vegas NV 89155-1111
(702) 455-3530 • Fax (702) 455-3558

Virginia Valentine, P.E., County Manager
Darryl Martin, Assistant County Manager • Elizabeth Macias Quillin, Assistant County Manager
Phil Rosenquist, Assistant County Manager

July 13, 2007

The Honorable Harry Reid
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

2007 JUL 17 PM 1:07
RFCD

Dear Senator Reid:

I am writing to urge your support of federal legislation to change the boundaries of the Bureau of Land Management's Sunrise Mountain Instant Study Area to allow for the issuance of a BLM Right-of-Way Grant for the construction of a Clark County Regional Flood Control District project known as the Orchards Detention Basin and Collection System.

The Orchards Detention Basin and Collection System legislation is critical to providing flood protection to the east side of the Las Vegas Valley. The Orchards Detention Basin will eliminate the threat of flooding to thousands of homes and businesses.

This bill has been proposed in Congress previously and we would very much appreciate your assistance in getting this bill once again introduced in the Senate.

Thank you for your past support of flood control projects in Clark County. Your efforts have enabled us to construct flood control detention basins and channels to protect the lives and property of Clark County residents.

Thank you for your support of this important legislation.

Sincerely,

Virginia Valentine
VIRGINIA VALENTINE
County Manager