

FREQUENTLY ASKED

The Southern Nevada Economic Development and Conservation Act

WHY THIS LEGISLATION AND WHY NOW?

Pursuing federal legislation provides the most clear, certain, reliable and timely path to dealing with local land use requirements and land use issues. For the past 14 years Clark County has been working to address land use issues and needs through the BLM's administrative process related to the Las Vegas Resource Management Plan (RMP), but has made very little progress. In early 2019, the BLM terminated their RMP amendment and gave no indication of any future updates. Legislative action is now the only course of action to address these issues. Within 8-10 years Clark County is projected to run out of disposal land. It is critical to proceed with legislative action now to ensure the viability of economic diversification, development and employment strategies desired by various state and local agencies.

WHY IS AN INCREASE THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT DISPOSAL BOUNDARY NECESSARY?

There is enough federal land within the current Southern Nevada Public Lands Management Act (SNPLMA) disposal boundary (26,364 acres) to accommodate another 5-7 years of average annual growth (4,000 to 5,000 acres per year). This figure assumes every acre of BLM disposal land remaining is utilized, which is not practicable for a variety of reasons.

In 2020, population projections created from UNLV's Center for Business and Economic Research, in consultation with the Southern Nevada Water Authority, the Southern Nevada Regional Planning Coalition and the Regional Transportation Commission of Southern Nevada, suggest that Clark County's population will continue to grow to 2.85 million people by 2035 and 3.16 million people by 2060. Increases in population translate directly into increased land demand for non-residential and residential uses to support such an increase in population. Recent planning models have predicted approximately 67,000 acres of additional land is necessary to accommodate projected increases in population if current trends continue. As land availability dwindles, it drives up the cost of the remaining vacant land in Clark County and limits the types of development that can occur as many non-residential and residential projects sizes cannot be accommodated on the remaining land available. These constraints hamper Clark County's ability to fully realize economic diversification, development and employment strategies desired by various state and local agencies.

The County and the cities are seeking a modest extension the SNPLMA disposal boundary, approximately 42,427 acres, to provide for orderly and predictable growth through the joint BLM/Local Government nomination process with proceeds of the land sales continuing to be deposited in the SNPLMA Special Account.



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WHY ARE OTHER DISPOSAL AREAS BEING ADDED TO THE SNPLMA BOUNDARY?

Revenues from lands currently being disposed of by FLPMA go to the federal treasury. By re-designating these lands to the SNPLMA boundary, disposed of through the joint nomination and auction process, revenues will stay primarily in Clark County and the State. This action would re-designate approximately 54,887 acres of BLM land from disposal through FLPMA to SNPLMA. This is not an increase in disposal, since all these areas are already designated for disposal in the BLM's 1998 Las Vegas Resource Management Plan.

WHY DOESN'T SOUTHERN NEVADA RELY MORE ON INFILL DEVELOPMENT VERSUS CREATING MORE URBAN SPRAWL?

The County and cities believe in the importance of infill to minimize development at the edges of the valley. To this end, the County and cities participated in the Southern Nevada Strong (SNS) regional planning effort, which aims to develop regional support for long-term economic success and a stronger community by integrating reliable transportation, quality housing for all income levels, and job opportunities throughout Southern Nevada. However, unless Clark County experiences a significant and sustained decrease in population growth, some additional land must become available to support an increase in population and accommodate the types of economic diversification desired by state and local government while keeping land prices relatively stable. The County and the cities are pursuing a modest expansion of the disposal boundary that avoids unnecessary sprawl and manages growth, but isn't so constraining that it causes unacceptable increases in the price of land or stalls efforts to diversify our economy.

WHAT WOULD FUTURE PLANNING AND ZONING OF ADDITIONAL DISPOSAL LANDS LOOK LIKE?

In the northwest portion of the valley, the additional disposal area is currently zoned rural open land and its planned land use is open land. This area would be subject to refined land use planning through an update to the Northwest Land Use Plan. This is a public

process that is conducted approximately every five years by the Department of Comprehensive Planning and is adopted by the Board of County Commissioners. In addition, this area will be the subject of a smart growth planning strategy. The strategy is adopted in a County resolution and will result in a balance of residential, nonresidential and recreational uses that integrate natural open spaces and natural features compatible with the surrounding landscape.

In the south county, the additional disposal area is currently zoned rural open land and its planned land use is open land. If this land becomes eligible for BLM disposal, it would also undergo refined land use planning through an update to the South County Land Use Plan, which is a public process that is conducted by Department of Comprehensive Planning and adopted by the Board of County Commissioners. In addition, this area will be the subject of a joint planning process by the County and City of Henderson to plan infrastructure and resolve jurisdictional issues. Also, areas under the City of Henderson's jurisdiction would be subject to the City's Sloan Canyon Overlay and Sensitive Lands Overlay. For more information, please visit: <https://app.box.com/s/mgzth38xd09vyd0i7requxgjngp25g5p>.

WILL ADDITIONAL BLM DISPOSAL LANDS JEOPARDIZE OUR SURROUNDING FEDERAL LANDS AND CONSERVATION AREAS?

Clark County is approximately 5.12 million acres. The federal government administers about 90% of Clark County through six federal agencies. The principles being considered for a proposed lands bill have a negligible impact on the overall disposition of federal lands in Clark County. Bureau of Land Management administers approximately 2.9 million acres in Clark County. If approximately 42,427 acres of BLM land is made available through an increase to the SNPLMA disposal boundary, it represents a ~2% decrease in BLM administered lands in Clark County.

Additional disposal areas are contiguous with the existing disposal boundary. No areas currently designated for natural resource conservation, or recreation, are proposed for disposal. The County and the cities have a long tradition of working closely with federal land managers to establish conservation areas and minimize impacts of urban development on surrounding federal lands. Tule Springs Fossil Beds National Monument, Gold Butte National Monument,

Red Rock Canyon National Conservation Area and Areas of Critical Environmental Concern (ACEC) on BLM lands in Clark County are all examples of local government's strong commitment to the designation of these important conservation and recreation areas. The principles being discussed for a proposed lands bill follow in this tradition.

In addition, there are several programs and efforts underway to reduce the unintended and indirect negative impacts of urban growth on surrounding landscapes to reduce the spread of invasive plant species, protect plants and animals, eliminate and restore illegal dump sites, and restore illegal OHV trails on public lands. Revenues generated through the sale of BLM lands in the SNPLMA disposal boundary have been the primary funding mechanism for projects designed to minimize impacts on federal land from urbanization.

Proceeds from an expanded SNPLMA disposal boundary would continue these essential efforts.

HOW WILL WATER BE DELIVERED FOR NEW DEVELOPMENT?

Committed to providing a reliable water supply to our community, the Southern Nevada Water Authority maintains a 50-year water resource plan (<https://www.snwa.com/assets/pdf/water-resource-plan.pdf>), which contemplates the community's population growth over the next half-century to identify and pair the water resources necessary to meet that future demand. Utilizing population forecasting from the University of Nevada, Las Vegas' Center for Business and Economic Research, SNWA's water resource plan is updated annually to reflect changing conditions.

Community-wide water reuse practices capture, reclaim and sustainably return nearly 100 percent of the Southern Nevada's indoor water use back to Lake Mead where it may be used again, effectuating one of the nation's largest indoor water recycling programs. Furthermore, SNWA has implemented proactive strategies for water supplies used outside the Las Vegas valley, mandating water recycling policies through direct and/or indirect reuse, as well as aquifer storage and recovery. These policies also contemplate conservation measures that limit external landscaping to drought-tolerant plants, prohibit the use of water features or man-made lakes, and limit use of evaporative cooling systems.

SNWA will continue to meet current and long-term water needs while promoting water efficiency; utilizing reliable, renewable water resources to meet demands; and maintaining proactive and adaptable water resource plans and policies to benefit the community.

DOES AMENDING THE COUNTY'S HABITAT CONSERVATION PLAN AND PERMIT THROUGH THIS LANDS BILL UNDERMINE THE FEDERAL ENDANGERED SPECIES ACT?

Nothing in the lands bill requests Congress amend the federal Endangered Species Act (ESA) or suggests changes to the requirements for habitat conservation plans and incidental take permits. The lands bill solely urges Congress to establish Special Management Areas (SMAs) for the durable conservation of species covered in the MSHCP, provides mitigation credit, and extends the MSHCP for the maximum term allowable. Clark County must still submit an application for an amended habitat conservation plan and incidental take permit to the U.S. Fish and Wildlife Service, and must meet all permit issuance criteria specified under the ESA, including to minimize and mitigate impacts of covered activities to the maximum extent practicable. Given that the BLM withdrew their RMP amendment, legislative action is now the only course of action to establish these ACECs for the amended MSHCP.

ARE THE AMENDMENTS REQUESTED TO THE COUNTY'S MSHCP AND INCIDENTAL TAKE PERMIT BASED ON THE BEST AVAILABLE SCIENCE?

The amendments being requested to the MSHCP and incidental take permit are based on the best available science developed through the administrative amendment process consistent with the requirements of the Endangered Species Act and National Environmental Policy Act that has been underway since 2008. The scientific analyses supporting the proposed amendments include, but are not limited to, impacts analysis, covered species analysis, updated species habitat models, changed circumstances analysis, establishment of biological goals and objectives, and a monitoring strategy and climate change resiliency planning. Nothing in the proposed land bill waives the County's obligation under the incidental take permit issuance criteria that U.S. Fish and Wildlife must follow to minimize and mitigate impacts of covered activities to maximum extent practicable.

WILL AN INCREASE IN POPULATION AND ECONOMIC DEVELOPMENT HAMPER OUR EFFORTS TO MAINTAIN COMPLIANCE WITH THE FEDERAL CLEAN AIR ACT?

The U.S. Environmental Protection Agency (EPA) develops National Ambient Air Quality Standards (NAAQS) to protect human health and the environment. The Clark County Department of Environment and Sustainability (DES) is required to develop long-term planning documents such as State Implementation Plans (SIPs) to demonstrate how the NAAQS will be achieved, maintained, and enforced. Clark County is in attainment for all but one criteria pollutant: ozone. The ozone standard was lowered in late 2015 and DES is currently conducting studies to help identify how ozone is being generated in order to tailor effective control measures to achieve maintenance with the new standard. The County has significantly improved air quality in the Las Vegas Valley while population and development has increased and we expect this trend to continue

As development expands into the Ivanpah Valley, it can be expected that similar air quality regulations to those in the Las Vegas valley would be adopted to maintain compliance with NAAQS.

HOW WILL THE NEW WILDERNESS AREAS AND SMAS IMPACT OFF-HIGHWAY VEHICLE RECREATION?

There are approximately 1.6 million acres of new wilderness being proposed in Clark and Lincoln counties, Nevada and San Bernardino County, California. It should be understood that Mt. Stirling is currently designated as a wilderness study area and is therefore managed as though it is already designated wilderness. Wilderness designations do not allow off-highway vehicle recreation.

Casual off-highway vehicle recreation is allowed in SMAs. The SMAs will be subject to a route inventory and designation processes outlined in BLM’s Travel and Transportation Management Manual. As an example, Piute-Eldorado Valley, Gold Butte, and Mormon Mesa/ Coyote Springs ACECs have all undergone travel and transportation planning processes. OHV racing can sometimes be accommodated in SMAs through the adoption of seasonal and vehicle count restrictions; these management decisions are at the discretion of

the BLM in consultation with the U.S. Fish and Wildlife Service.

During the road designation process, BLM prioritizes roads for closure that are considered duplicative or unnecessary. Thus, many of the roads that are ultimately closed either run parallel to another road that was designated open or consist of very short spurs that dead end. The table below summarizes the outcome of roads inventoried, closed and proportion of roads closed in the route designation process that was conducted within existing ACECs. We expect that travel and transportation planning would result in similar outcomes in the proposed SMAs.

ACEC	Miles of Roads Inventoried	Miles of Roads Designated “Closed”	Proportion of Roads Closed Through the Planning Process
Piute-Eldorado	619	135	21.8%
Gold Butte	559	69	12.3%
Mormon Mesa/Coyote Springs	327	31	9.5%
Total/ Average	1,505	235	15.6%

WHY ARE THE COUNTY AND CITIES ASKING FOR BLM RECREATION AND PUBLIC PURPOSE LEASED LANDS TO BE CONVEYED TO LOCAL UNITS OF GOVERNMENT?

The County and cities have leased thousands of parcels of BLM land and built permanent public infrastructure such as parks, police and fire stations, schools, community centers and flood control facilities. Requirements of these leases have unintended negative and costly consequences for local government. For instance, the County and cities are prohibited from storing pool chlorine on leased lands – even at community centers with pools – because it is prohibited by the lease. For ease of maintenance and operations, local units of government would like to own these lands. In the event the lands are no longer being used for a public purpose, a reverter clause would require it revert back to the BLM.

WILL DESIGNATING BITTER SPRINGS AS AN SMA CUT OFF ACCESS TO THE BITTER SPRINGS BACK COUNTRY BYWAY OR AREAS SUCH AS BUFFINGTON POCKETS?

No, designating the Bitter Springs area a SMA will not cut off access to the byway or its many popular features such as Buffington Pockets. The Bitter Springs Back Country Byway is nationally-recognized and will remain open for motorized and non-motorized recreation. The County strongly supports continued responsible use of this area. The SMAs will be subject to a route inventory and designation processes outlined in BLM's Travel and Transportation Management Manual. During the road designation process, BLM prioritizes roads for closure that are considered duplicative or unnecessary. The result of the travel and transportation planning process would be a designation of open and closed routes that will be mapped and made available to the public for the enjoyment of this special area.

WILL ADJUSTING THE BOUNDARY OF THE RAINBOW GARDENS ACEC CUT OFF ACCESS TO THE TRAIL SYSTEM?

The purpose of adjusting the Rainbow Gardens ACEC boundary is to accommodate necessary flood control infrastructure. This project is called the Orchard Levee and will serve to collect flows from Sunrise Mountain that currently impact existing residential structures during storm events in the area and convey that flow south to the existing Orchards Detention Basin.

The facility that is proposed is a combined levee (berm) and channel through the BLM reach of the project. This facility will have relatively gradual slopes that will allow for an able bodied person to traverse the structure. Both Clark County Public Works and Regional Flood Control District staff will work with trails stakeholders to maintain access across the structure.

WHAT IS THE PURPOSE OF GRANTING THE RIGHT-OF-WAY FOR THE EASTERN NEVADA TRANSMISSION PROJECT TO THE SOUTHERN NEVADA WATER AUTHORITY?

The purpose of this project is to substantially increase renewable energy production in Southern Nevada. The Eastern Nevada Transmission Project (ENTP) will improve electrical system reliability, provide

operational flexibility, and enable power transmission from renewable sources to help meet the power needs of SNWA's water operations and rural communities in Clark and Lincoln counties. The project is not related to the groundwater development project and does not include any federal lands within White Pine County, counties in Utah, or tribal interests.

The ENTP project, when constructed, will include a 100-mile 230-kiloVolt transmission line to convey up to 800 megawatts of clean, renewable energy from the southern portion of Lincoln County to Clark County within a designated corridor on federally-owned land. The purpose of the provision in the lands bill is to combine two existing rights-of-way to form the corridor necessary to construct the ENTP and only that project. The provision does nothing to circumvent environmental review laws or judicial review related to the groundwater development project.

WILL THE MINT 400 BE IMPACTED BY THIS PROPOSAL?

The Mint 400 race is on a year-to-year permit term with BLM. The County will work with Best In The Desert Racing and the Mint 400 owners to help identify and facilitate an alternate location for the race following the current permit term.

IS THE VEGAS TO RENO RACE IMPACTED BY THIS PROPOSAL?

No, the most recently approved course for this race is not impacted by this proposal.

WILL THIS PROPOSAL IMPACT DIRT BIKE AND MOTORCYCLE RACING?

Courses in the Muddy Mountains and Bitter Springs areas could be impacted by the proposed designation of SMAs. Wilderness additions could also result in impacts to racing. The County is committed to working with stakeholders and Motorcycle Racing Association of Nevada (MRAN) to assess the possibility of maintaining access and use of these courses and identifying alternative courses.

WILL THE DESIGNATIONS PROPOSED BE SUBJECT TO VALID EXISTING RIGHTS?

Yes, it is the County's intent that all of the proposed designations and transfers would be subject to valid existing rights.