



# CLARK COUNTY FEDERAL LANDS REPORT

Accepted by the Board of County Commissioners May 22, 2013

## **Cooperating Federal Agencies:**

**Bureau of Land Management  
Bureau of Reclamation  
National Park Service  
US Air Force  
USDA Forest Service  
US Fish and Wildlife Service**



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# ACKNOWLEDGEMENTS

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# BACKGROUND

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## **Purpose**

Clark County has a wide variety of urban and natural habitats that vary from mountainous alpine areas to arid desert environments. Within the County, about ninety percent of the land area is administered by six federal agencies. The mix of urban development pressures, preservation of the natural environment, and administrative actions on federal lands provide both opportunities and constraints on the use of public lands and private property in the County.

This Federal Lands Report, prepared in compliance with Nevada Revised Statute 278.160, identifies policies that provide direction to Clark County relative to impacts from actions on and near federal lands. This document does not include all federal agencies which operate within the County, nor does it address or contain policies relating to Native American Tribal lands. This document does not dictate or impose Clark County's goals, policies, or actions on any agency of the federal government, nor does it question the federal government's right to manage or administer lands in the County.

## **Compliance with Federal Law**

This Report is consistent with the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA). Section 202 [c][9] of FLPMA directs the BLM "to the extent consistent with laws governing the administration of the public lands and...to the extent (the Secretary) finds practical...provide for meaningful public involvement of State and local government officials...in the development of land use programs, land use regulations, and land use decisions for public land...which may have a significant impact on non-Federal lands." This Section also states that "Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act." The Section also authorizes State and local government officials to "...furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands..." Other federal agencies have similar policies and laws directing them to cooperatively work with state and local governments on land use related issues.

The Report is consistent with the provisions of the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263) and the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282).

# EXISTING CONDITIONS

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## CLARK COUNTY

Clark County is located on the southern-most tip of the State of Nevada with approximately 5.12 million acres of land. About ten percent of the land in the County is under non-federal control (e.g., private ownership, state and local government ownership, Indian reservations, etc.) The population center for Clark County is the Las Vegas Valley. Outside the Las Vegas Valley, there are a number of rural communities interspersed throughout the County. All communities in Clark County either contain or are surrounded by lands administered by federal agencies.

## FEDERAL LANDS

The federal government administers about 90 percent (i.e., 4.66 million acres of land in Clark County through six federal agencies). Table I provides a detailed breakdown of the agencies and the acreage they administer.

**TABLE I**

<b>Agency</b>	<b>Approximate Acreage<sup>1</sup></b>	<b>% of County</b>
Bureau of Land Management	2,900,000	57%
National Park Service	587,000	12%
U.S. Fish and Wildlife Service	493,000	9%
Nevada Test and Training Range	360,362	6%
USDA Forest Service	252,000	5%
Bureau of Reclamation	50,700	<1%
Nellis Air Force Base	14,161	<1%
Creech Air Force Base	2,300	<1%
<b>Total</b>	<b>4,659,523</b>	<b>About 90%</b>

<sup>1</sup>Clark County Department of Comprehensive Planning. Acreage Estimates, 1998.

## FEDERAL AGENCIES

The following is a general description of each Federal agency that administers land in Clark County. Each agency applies federal laws, regulations, and organizational policies or procedures to administer lands within their respective jurisdictions.

### **Bureau of Land Management (Department of Interior)**

The Bureau of Land Management (BLM) is responsible for administering a majority of the public lands in Clark County. BLM policies on lands include public use, conservation, resource management, and realty actions. About 2.1 million acres are under general management, while the remaining 800,000 acres are included in special designation areas which have policies that may differ from those found on lands under general management. Special designation management areas include: Red Rock Canyon National Conservation Area, Sloan Canyon

National Conservation Area, Wilderness Areas, Wilderness Study Areas (including Sunrise Mountain and Virgin Mountains Instant Study Areas), Nellis Dunes Special Recreation Management Area (SRMA) Muddy Mountains SRMA, Sunrise Mountain SRMA, Las Vegas Valley SRMA, Nelson Hills/Eldorado SRMA, Jean/Roach Lake SRMA, Laughlin SRMA, 24 Areas of Critical Environmental Concern (ACEC), and the Virgin Mountains Natural Area.

### **Bureau of Reclamation (Department of Interior)**

The Bureau of Reclamation (BOR) is responsible for managing federal water resources and associated programs or facilities. The Bureau of Reclamation's most visible presence in Clark County is Hoover Dam, which forms Lake Mead; and Davis Dam, which forms Lake Mohave. Both are critical components of the Lower Colorado River water system. They provide water management, culinary water supplies, flood control, and power production to the southwestern United States. The BOR also actively promotes partnerships with local communities to develop recreational or public uses on its lands which are compatible with a variety of local land uses.

### **National Park Service (Department of Interior)**

The National Park Service is responsible for the administration of Lake Mead National Recreation Area (LMNRA). The LMNRA contains approximately 1.5 million acres, including Lake Mead and Lake Mohave. The capacity of both lakes totals approximately 180,000 surface acres of water. LMNRA has the distinction of being the first area to be designated as a National Recreation Area in the United States. Lake Mead was created in 1935 by the construction of Hoover Dam, and Lake Mohave was created in 1953 with the construction of Davis Dam. About 587,006 acres (39%) of the LMNRA is located in Clark County.

Lake Mead National Recreation Area is managed for the general purposes of public recreation, benefit and use; and in a manner that will preserve the scenic, historic, scientific, and other important features of the area (Public Law 88-639). Nine developed areas in the LMNRA offer a wide range of accommodations and services throughout the year. Recreational opportunities throughout the LMNRA include: boating, fishing, swimming, scenic drives, picnicking, hiking, scuba diving, water-skiing, camping, etc. With more than six million visitors annually, the LMNRA is one of the most visited units of the National Park System.

### **U.S. Air Force (Department of Defense)**

Nellis Air Force Base is a part of the U.S. Air Force's Air Combat Command. Nellis Air Force Base directly administers about 16,461 acres of land in Clark County, and co-administers 360,362 acres identified as the Nevada Test and Training Range in conjunction with the US Fish and Wildlife Service. The Nevada Test and Training Range (including Creech Air Force Base) is used for National Defense related activities and is restricted for use by the general public. Nellis Air Force Base missions include: pilot training in advanced air combat techniques, aviation and related equipment testing, and the evaluation of tactical air/land combat operational procedures.

### **USDA Forest Service (Department of Agriculture)**

The USDA Forest Service is responsible for administering National Forest System lands in Nevada. The Humboldt-Toiyabe National Forest is divided into ten districts, with the southernmost district located in the Spring Mountains area of Clark and Nye Counties. In August 1993, the US Congress designated the district surrounding the Mt. Charleston area as the

Spring Mountains National Recreation Area (SMNRA). The Spring Mountains National Recreation Area contains over 316,000 acres of land, of which over 252,000 acres are located in Clark County. The National Recreation Area also contains three Congressionally designated wilderness areas totaling 79,500 acres, and provides a wide variety of recreational and resource management opportunities.

### **U.S. Fish and Wildlife Service (Department of Interior)**

The US Fish and Wildlife Service (USFWS) is responsible for the management and preservation of plant and animal species. Clark County has worked closely with the USFWS to develop the “Multiple Species Habitat Conservation Plan”, which provides protection to a number of endemic and more wide-spread plant and animal species.

The USFWS also administers the Desert National Wildlife Range and the Moapa Valley National Wildlife Refuge. In these areas, the primary mission of the US Fish and Wildlife Service is to manage lands for the benefit of wildlife, while public use is considered secondary. This differs from the multiple use directives of other federal land agencies in Clark County.

The Desert National Wildlife Range was established in 1936 to protect Bighorn Sheep and their habitat. Protective measures and improvements to the Range also benefit a large number of other wildlife species. Approximately 800,000 acres of the 1.5 million acres contained in the Range are located in Clark County. The western portion of the Range is used for National Defense purposes and no public access is permitted. The open portion of the Range offers a variety of outdoor activities, including: “...vehicular travel (mostly four-wheel drive), camping, hiking, horseback riding, picnicking, and wildlife viewing.” The Moapa Valley National Wildlife Refuge was established in 1979 to protect a natural spring system that is habitat to the Moapa Dace, an endangered fish species.

# ISSUES

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Within Clark County, there are a number of issues and challenges that impact its communities and natural environment. Cooperation among Federal agencies and Clark County can establish solutions to minimize impacts in the environment while promoting growth, prosperity, and livability throughout the County. The following categories have been identified as issue areas that may positively or negatively impact Clark County. The subject areas in this chapter are listed alphabetically and are not listed based on priority or importance.

## **Communication, Resource, and Information Sharing**

Communication and resource sharing between all land planning agencies in Clark County is increasingly important due to urban impacts on federal lands and federally designated areas. Clark County will continue to foster open communication, resource, and information sharing with the federal land administering agencies within the County.

## **Environmental Review and Documentation**

The National Environmental Policy Act (NEPA) is the national charter for protection of the environment. The Act applies to all "major federal actions significantly affecting the quality of the human environment," with actions that include, involve, compromise, or have an impact on federal lands. The Act requires federal agencies to consider environmental effects of proposed actions through an environmental review process by conducting analysis of potential cumulative impacts. Federal actions not categorically excluded from NEPA require the preparation of an Environmental Assessment or an Environmental Impact Statement.

## **Federal Land Management Plans**

Several federal agencies that administer land in Clark County operate under policies and standards established in management plans. These long-term plans comprehensively assess agency coverage areas and establish management practices which are compatible with federal laws and agency policies.

The Bureau of Land Management - Las Vegas Field Office operates under the management policies in the Las Vegas Resource Management Plan (RMP). The RMP addresses land, resource, socio-economic, and regulatory issues in Southern Nevada, with policy direction to manage these issues. Additionally, the Bureau of Land Management has a General Management Plan for Red Rock Canyon National Conservation Area and a Resource Management Plan for the Sloan Canyon National Conservation Area. The policies contained in these plans are meant to conserve natural resources, enhance wildlife, protect cultural resources, and provide recreational opportunities in both National Conservation Areas.

The Humboldt-Toiyabe National Forest staff developed the General Management Plan for the Spring Mountains National Recreation Area in 1996. The General Management Plan amends the Toiyabe National Forest Land and Resource Management Plan; and emphasizes the provision of public outdoor recreation benefits, protection of wilderness and watershed values, and the conservation of other resource values.

The General Management Plan also "sets broad goals and identifies standards or requirements under which specific projects must be carried out. Decisions on individual projects follow, based on site specific analysis." (ROD, GMP for the SMNRA, October 1996).

The National Park Service developed a General Management Plan for the Lake Mead National Recreation Area in 1986. The emphasis in the General Management Plan is to accommodate "increasing visitor use while protecting the area's most outstanding natural and cultural resources." (GMP for LMNRA, July 1986). The 1986 GMP has been amended over the last 25 years by the "Willow Beach Development Concept Plan" in 1995, the "Lake Management Plan" in 2003 and the "Low Water Amendment" in 2005.

Other federal agencies operate under national policies which do not include management guidelines specific to Clark County.

### **Interagency Agreements**

The Federal Lands Policy and Management Act of 1976 (FLPMA) identifies the need for the BLM to coordinate land use, planning, and management activities on federal lands with state and local governments. This cooperative relationship can be formalized between agencies through the use of written agreements, e.g., Memorandum of Understanding, Memorandum of Agreement, Cooperative Management Agreements, Implementation Agreements, etc. While the Act is not specific to other federal agencies, other policies and laws such as the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA) provide direction to work with state and local governments on land use issues and conflicts.

Clark County and the Bureau of Land Management currently operate under a Memorandum of Understanding that covers general management practices throughout the County. This document was originally approved in 1981 and was updated in 1996, 1999, 2001, and 2012.

### **Land and Realty Actions and Public Purpose Facilities**

Federal agencies administer programs which allow a variety of land management and realty opportunities on federal lands throughout Clark County. These include the acquisition of lands for environmental protection, land disposal for private development, use of federal lands for rights-of-way or easements, lands for affordable housing, and the acquisition of land for public purposes uses such as parks, fire, police, schools, etc. These actions will be accomplished through the implementation of the Southern Nevada Public Lands Management Act, the Recreation and Public Purposes Act, the Federal Lands Policy and Management Act, land sale/reservation policies and procedures adopted by the Board of County Commissioners, and other applicable laws, regulations, or policies.

### **Land Use Regulations on Federal Lands**

Clark County has established land use regulations and building codes within its legal jurisdiction. These regulations are intended to promote the health, safety, and welfare of the citizens of the County by protecting property rights, providing minimum building standards, and promoting citizen participation on land uses where impacts extend beyond property lines. Since federal agencies are land owners on behalf of the public, both federal and local governments are often required to work together to accomplish goals that are in the public interest.

## **Nellis Air Force Base and Range**

Clark County supports the military and its use of federal lands within the County. Military bases are constitutionally different than other federal lands, due to their unique mission of national defense. This situation requires a high level of coordination between the Air Force and the County to ensure that land use decisions do not impact the mission of the military or its mandate to provide for the national defense of the United States.

## **RS 2477 Roads**

Prior to 1976, a number of roadways were established throughout the western United States on federal lands based on Title 43 US Code, Section 932, (adopted in 1866). These roadways are referred to as RS 2477 roads. The 1866 law was repealed in 1976 by the “Federal Land Policy and Management Act”, which required all new roadways to be authorized through application to the appropriate Federal agency.

Since many roadways established between 1866 and 1976 are considered "grandfathered" as valid existing rights, the Clark County Board of County Commissioners designated many County roads as RS 2477. A General Highway Map was developed, which depicts the location of these County claimed roads. The General Highway Map was delivered to the Bureau of Land Management in 1980, as required by federal regulations.

Since this is a national issue with many nuances, the BLM has been unable to come to a final decision regarding RS2477 roads and, therefore, has not formally recognized the County’s RS 2477 claims or recorded those claims on master title plats.

## **Southern Nevada Public Lands Management Act**

The “Southern Nevada Public Land Management Act” was developed through a cooperative effort between the Nevada Congressional Delegation and the Public Lands Task Force. The Public Lands Task Force was created to establish a partnership between public and private interests to promote responsible growth and development in the Las Vegas Valley. The Task Force was comprised of representatives from federal, state, and local governments, utilities, schools, the development community, and environmental groups.

The “Southern Nevada Public Lands Management Act” was approved by the U.S Congress on October 19, 1998. The Act (1) authorizes the Secretary of Interior to dispose of public lands in the Las Vegas Valley; (2) allows federal lands to be reserved for public use by local governments and service agencies; (3) allows local governments to have greater input in the timing and selection of lands to be privatized; (4) transfers ownership of noise sensitive land to the Clark County Department of Aviation; (5) allows Federal land to be used for affordable housing; (6) assists in the development and implementation of the Clark County Multiple Species Habitat Conservation Plan; (7) makes minor adjustments to the boundary of Red Rock Canyon National Conservation Area; and (8) distributes the proceeds of land sales between federal, state, and local interests within the State of Nevada.

Since passage of the Act, proceeds from BLM land sales have provided funding opportunities for numerous parks, trails, and natural area projects throughout Clark County and local municipalities. The Act also provides funding for a variety of capital improvement, land acquisition, and conservation related projects on federal lands within the County. The funding

received for the “Multiple Species Habitat Conservation Plan” has enabled development to continue throughout the County, while providing protection to various species. These actions counteract impacts associated with development in the urban and rural areas of Clark County.

Clark County is a member of the Southern Nevada Regional Planning Coalition’s (SNRPC) Federal Lands Ad Hoc Working Group. This group is made up of representatives from the BLM, State of Nevada, City of Henderson, City of Las Vegas, and City of North Las Vegas; and has been tasked by the SNRPC to provide regional coordination of land disposal and reservation activities throughout the Las Vegas Valley BLM disposal area.

## **Regional Trails**

Clark County, in association with other public and private entities, has developed a regional trails network throughout the Las Vegas Valley. The County has also established trail systems in the rural areas. These trail networks and systems provide opportunities to interconnect to trails and other recreational facilities on federal lands.

# POLICY RECOMMENDATIONS

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- Facilitate improved interagency communication, promote the exchange of information, and encourage resource sharing between Clark County and Federal land administering agencies through the following activities: research studies, NEPA impact analysis, public meetings, joint planning processes, environmental documentation, interagency agreements, and participate as a cooperating agency on projects which may impact non-federal lands within the County.
- Provide opportunities for federal agencies to participate in the development of land use plans, master development plans, or other County policy documents that may impact federal lands.
- Participate in land and realty actions deemed mutually beneficial to both local entities and federal land administering agencies which are consistent with federal land management plans. Support federal agencies in the acquisition of private lands for environmental protection and private in-holdings in federally designated areas.
- Assist the BLM in identifying public lands appropriate for privatization within the land disposal area and assist in acquiring public lands necessary for local public purpose uses.
- Work with federal agencies to ensure the protection of private property rights, compliance with local building and zoning codes, and citizen participation on land use decisions within Clark County.
- Cooperate with the Air Force to reduce or mitigate development deemed incompatible with the mission of the military on and near Nellis Air Force Base, Creech Air Force Base, and the Nevada Test and Training Range. Support over-flights where necessary and encourage the Air Force to acquire public and private lands in proximity to critical operation centers to ensure compatibility with existing land uses near Air Force facilities.
- Coordinate with federal agencies to ensure recognition of valid RS 2477 claims.
- Coordinate with federal agencies, local governments, and regional service agencies to plan, construct, and provide connectivity to local and regional trail systems located throughout the County.

# WORK PROGRAM

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- Comprehensive Planning will continue to work with the BLM as a cooperating agency on the updates to the Las Vegas/Pahrump Resource Management Plan (RMP) and the Recreation Area Management Plans (RAMP's) to ensure compatibility with County Land Use Plans and protect the interests of Clark County.
- Comprehensive Planning will continue to provide part-time staff at the BLM Southern Nevada District Office to ensure interagency communication and cooperation with the BLM, Forest Service, and Fish and Wildlife Service staff.
- Comprehensive Planning and Real Property Management will provide staff support for all County related realty actions in the BLM Southern Nevada District Office to encourage the disposal and use for public purposes of public lands within Clark County.
- Comprehensive Planning will continue to work with County Departments and local service agencies to update processes for public purpose reservations, leases, rights-of-way, and any other realty related activities to ensure optimal use of public lands for the health and safety of the citizens of Clark County. In association with these activities, Comprehensive Planning will continue to coordinate with the BLM, State of Nevada, and participating local governments on disposal and reservation actions through the SNRPC Federal Lands Ad Hoc Working Group to provide coordination and eliminate potential conflicts of interest in the use of public lands within Clark County.
- Comprehensive Planning will provide staff to serve on the SNPLMA Parks, Trails and Natural Areas Subgroup and the SNPLMA Partners Working Group to support and encourage the use of SNPLMA funds within Clark County.
- Comprehensive Planning will continue program administration on all current and future SNPLMA funded projects awarded to Clark County to ensure optimal use of the allocated funds for park, trail and natural area development projects.