

**Statement of
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U.S. Department of the Interior
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining**

**S. 636, Dolores River National Conservation Area & Special Management Area Act
S. 1088, North Dakota Trust Lands Completion Act
S. 1405, Utah School & Institutional Trust Lands Administration Exchange Act
S. 1622, End Speculative Oil & Gas Leasing Act
S. 1634, Colorado Outdoor Recreation & Economy Act
S. 1657, La Paz County Solar Energy & Job Creation Act
S. 1760, Apex Area Technical Corrections Act
S. 1776, PUBLIC Lands Act
S. 1890, Malheur Community Empowerment for the Owyhee Act
S. 2042, Sloan Canyon Conservation & Horizon Lateral Water Pipeline Act
S. 2136, Utah State Parks Adjustment Act
S. 2216, Montana Sportsmen Conservation Act**

July 12, 2023

Introduction

Thank you for the opportunity to provide testimony on the bills on the hearing agenda related to Bureau of Land Management (BLM).

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, as well as 30 percent of the nation’s onshore mineral resources across 700 million subsurface acres, overlain by properties managed by other Federal agencies such as the Department of Defense and the U.S. Forest Service (USFS) as well state and private lands. The BLM manages public lands under the Federal Land Policy and Management Act (FLPMA), passed by Congress in 1976. The BLM remains committed to its core mission of multiple use and sustained yield, which provides for a careful balancing across many uses and resources to steward the public lands for all.

Under the BLM’s multiple use mandate, the BLM manages public lands for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, and conservation – including protecting cultural and historic resources. Lands managed by the BLM also provide vital habitat for more than 3,000 species of wildlife and support fisheries of exceptional regional and national value. In addition, the Biden Administration’s America the Beautiful initiative emphasizes the conservation of the nation’s natural resources recognizing that many uses of our lands and waters, recognizing that that many uses of our lands and waters, including working lands, can be consistent with the long-term health and sustainability of natural systems.

Overall, the BLM estimates that commercial activities on public lands, support nearly 524,000 jobs in timber, recreation, grazing, nonenergy minerals and the energy sector. That activity is the economic driver for communities across the West. It is also a significant generator of tax revenues that support state and local governments.

We appreciate the Sponsors' work on the bills under consideration today. A review of each of the bills follows.

S. 636, Dolores River National Conservation Area & Special Management Area Act

S. 636 establishes the Dolores River National Conservation Area (NCA) on approximately 52,872 acres of public lands managed by the BLM and the Dolores River Special Management Area (SMA) on approximately 15,452 acres of National Forest System lands managed by the USFS across Dolores, Montezuma, and San Miguel Counties in southwest Colorado. The bill also generally withdraws these newly designated areas from the public land and mining laws, subject to valid existing rights. Finally, the bill provides for the Bureau of Reclamation's (Reclamation) continued operation of the Dolores Project and McPhee Reservoir in cooperation with the Dolores Water Conservancy District.

On January 27, 2021, President Biden signed Executive Order (EO) 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and ensure balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer to be part of the climate solution and outlines a historic and ambitious challenge to the nation to conserve them. The Biden Administration's America the Beautiful initiative calls for collaborative, locally led conservation efforts of diverse landscapes that provide habitat for fish and wildlife, and supports Tribally led conservation and restoration priorities. The Department of the Interior (Department) welcomes the Sponsor's efforts to support designations to improve conservation and appreciation of our nation's public lands, and we support S. 636.

The Department notes the bill states that all provisions of the bill, including the withdrawal, are subject to valid existing rights, which means that nothing in its provisions affects uranium leases issued by the Department of Energy. The Department defers to the Department of Energy and USFS concerning the bill's provisions which pertain exclusively to the jurisdictions of their agencies.

Analysis

The Dolores River originates near San Miguel Peak in Colorado and runs approximately 241 miles before it flows into the Colorado River in Grand County, Utah. The Dolores River is a popular recreation destination for hiking, camping, hunting, fishing, wildlife viewing, off-highway vehicle use, and other outdoor activities. The technical rapids of the river are well known among whitewater rafting enthusiasts. Additionally, the proposed NCA supports a variety of wildlife and plant species including canyon tree frogs, the Roundtail Chub fish, and Kachina daisy, among others. Some of these species are particularly sensitive and have suffered population declines throughout their native range.

S. 636 establishes the Dolores River NCA on approximately 52,872 acres of BLM-managed

public lands in southwestern Colorado and requires the BLM to develop a management plan for the NCA within three years of the bill's enactment. Under the bill, all Federal land in the NCA, including land acquired within the NCA after the bill's enactment, would be withdrawn from operation of the public land, mining, mineral leasing, geothermal leasing, and mineral materials disposal laws, subject to valid existing rights. The bill also releases portions of the Dolores River and certain tributaries within the NCA from potential designation or study under the Wild and Scenic Rivers Act.

The BLM supports the designation of the NCA as it aligns with the Administration's conservation goals. The designation would enhance the BLM's ability to manage and protect the many existing conservation and recreation values within the area, particularly sensitive native fish species and whitewater rafting opportunities supported by the Dolores River.

The BLM would appreciate the opportunity to work with the Sponsor on some technical aspects of the bill, such as ensuring consistent use of terminology between Departments and modifications to the legislative map referenced in the bill.

Dolores River National Conservation Area Advisory Council

S. 636 requires the BLM to establish the Dolores River National Conservation Area Advisory Council ("Council") within one year of the bill's enactment to advise the BLM on the preparation, implementation, and monitoring of the NCA management plan. Under the bill, the BLM is to appoint fourteen members to the Council, representing agricultural, conservation, and recreation interests, in addition to members representing local counties, Colorado Parks and Wildlife, an owner of private land in immediate proximity to the NCA, a holder of a grazing allotment in the NCA, and two representatives from Indian Tribes, one of which is a representative of the Ute Mountain Ute Tribe.

The BLM notes that the Southwest District Resource Advisory Council (RAC) is active in the area, and we would appreciate the opportunity to work with the Sponsor to clarify their intent regarding the potentially overlapping roles of the existing RAC and the new Council.

Dolores River National Conservation Area Management

Section 401 of the bill outlines management direction for the proposed Dolores River NCA. The bill provides for motorized vehicle access within the NCA along designated routes, except in cases where motorized vehicles are needed for administrative purposes or to respond to an emergency. The bill also prohibits the construction of new permanent or temporary roads within the NCA, except for administrative purposes, protection of public health and safety, or to provide reasonable access to private property. County-managed roads and the Dolores River Road are exempted from the bill's restrictions on use and maintenance, provided that the Federally managed portions of the Dolores River Road are not to be improved beyond its existing primitive condition.

S. 636 provides for continued grazing in the Dolores River NCA. The bill permits the BLM to take any measures determined necessary to control fire, insects, and diseases in the Dolores River NCA. It also allows the BLM to issue new permits and rights-of-way less than 150 feet wide within the Dolores River NCA for servicing transmission lines in existence on the date of

enactment, on the condition that the BLM relocates the right-of-way in a manner that furthers the purposes of the bill. Additionally, the bill permits the installation and maintenance of hydrologic, meteorological, or climatological collection devices in the NCA if essential to public safety, flood warning, flood control, water reservoir operation, or collection of hydrologic data for water resource management. Lastly, S. 636 allows for the continued use of the lands within the NCA by members of Indian Tribes for traditional ceremonies and as a source of traditional plants and other materials.

The bill requires the BLM to manage the Ponderosa Gorge within the Dolores River NCA in a manner that maintains its wilderness character. To this end, the bill prohibits the construction of new permanent or temporary roads within the Ponderosa Gorge area, as well as the renovation of existing non-system roads. The use of motorized vehicles or equipment are prohibited within the Ponderosa Gorge, except as necessary to meet the minimum requirements for the administration of the land, protection of health and safety, or carrying out ecological restoration activities to improve the aquatic habitat of the Dolores River. Under the bill, commercial timber harvest would not be permitted in the Ponderosa Gorge, other than the harvest of merchantable products that are the byproducts of ecological restoration activities or activities furthering the purposes of the bill. However, the bill exempts the operation, maintenance, or location of an existing utility right-of-way in the Gorge.

The bill's management provisions will enhance the BLM's efforts to protect the remote nature of the area. The BLM would like to work with the Sponsor on some technical modifications to the management section of the bill. The BLM recommends that the Sponsor provide clarification on the term "motorized vehicle," as the BLM and the USFS define the term differently. We would like to work with the Sponsor on the appropriate terminology to maintain "wilderness character" within the context of an NCA. Additionally, the BLM recommends that the Sponsor clarify whether the construction of temporary roads to respond to wildfire is intended to be included within the allowable measures necessary to control fire, insects, and diseases in the NCA. The BLM also recommends the addition of language allowing for construction and maintenance of motorized routes and parking areas to mitigate potential adverse impacts to natural resources. Finally, the BLM would also like to work with the Sponsor to clarify their intent for the bill's conditions governing rights-of-way serving transmission lines in section 401(i).

The Dolores Project, McPhee Dam / Reservoir, & Water Management

Section 402 provides that Reclamation remains the owner and operator of McPhee Reservoir and the Dolores Project (Project), in cooperation with the Dolores Water Conservancy District. The Dolores Project includes one dam, a dike, and nearly two hundred miles of canals, tunnels, pipelines, and laterals and provides water for recreation, fish, wildlife, flood control and production of hydroelectric power. Under this section, the creation of the NCA and SMA would allow for the Project to continue to be operated as it is currently.

Section 402(a) maintains existing operations of the Project pursuant to its authorization and governing agreements. Reclamation's interpretation of this provision is that the establishment of the NCA and the SMA would not change current or future operation of the Project unless such changes would be consistent with current Project authorities and agreements.

Section 402(b) requires Reclamation to continue regular and meaningful consultation and collaboration with interested stakeholders and to prepare an annual report, to be made publicly available, regarding progress on the conservation, protection, and enhancement of native fish in the Dolores River.

Sections 402(c)(1)(A) places restrictions on the Federal government participating in the construction or modification of water resource projects within the NCA or the SMA that could impact the free-flowing character of any stream, or from participating in water resource projects outside the NCA or the SMA that would unreasonably diminish the resource values within those areas.

Reclamation appreciates the work to protect the free-flowing nature of the river within these areas while retaining the use and benefits provided by the Project. Reclamation anticipates that its existing annual report on flow management of the Dolores River would address this annual reporting requirement of Section 402(b).

S. 1088, North Dakota Trust Lands Completion Act

S. 1088 would authorize the State of North Dakota to relinquish to the Secretary of the Interior certain lands and mineral estates that are located partially or wholly within the boundaries of four Tribal reservations in the state, to the extent such lands or mineral estates were conveyed to the state at statehood. The bill would apply to up to approximately 37,000 surface acres and 186,000 total mineral acres. If the State elects to relinquish a parcel, the bill authorizes the State to select one or more parcels of BLM-managed public land or mineral estate of substantially equivalent value within the State of North Dakota. The bill further directs the Secretary to, upon request of a Tribe, take into trust relinquished lands or mineral estates within the boundaries of a reservation.

The BLM generally supports the conveyance of public lands when such conveyances are in the public interest and consistent with publicly approved land use plans. In addition, the BLM is committed to managing public lands and minerals in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of Federally recognized Tribes, consistent with the BLM's mission and applicable law. By placing lands into trust status through the Department, Tribes are able to reacquire lands within or near their reservations, establish a land base for Tribal communities, and clarify jurisdiction over their lands.

The BLM supports the Sponsor's goal of addressing the patchwork of inholdings within existing reservation boundaries. The BLM would like to work with the Sponsor to clarify the intent of several of the bill's provisions and the mechanisms outlined in the bill for effectuating the proposed conveyances.

Analysis

The North Dakota Enabling Act, enacted in 1889, provided for the division of what was then known as Dakota into two states – North Dakota and South Dakota. It also enabled the people of North Dakota and South Dakota, as well as the states of Montana and Washington, to form constitutions and state governments. The Act granted, with certain exceptions, sections 16 and 36 in every township to the new states to support schools. Under the Act, the State of North Dakota was granted lands and minerals totaling more than 2.5 million acres.

Many of the land grant parcels are located within Tribal reservation boundaries. Specifically, 3,612 surface acres and 74,888 total subsurface acres are located within the Fort Berthold Indian Reservation; 24,179 surface acres and 74,717 total subsurface acres are located within the Standing Rock Indian Reservation; 9,379 surface acres and 36,338 total subsurface acres are located within the Fort Totten Indian Reservation; and 72 surface acres and 639 total subsurface acres are located within the Sisseton-Wahpeton Indian Reservation. There are no state land grant parcels located within the Turtle Mountain Indian Reservation. In total, there are approximately 37,000 surface acres and 186,000 total mineral acres located within the boundaries of the five Tribal reservations in the state.

The BLM notes that it manages only approximately 58,000 surface acres in North Dakota, which would constrain the BLM's ability under the bill to convey surface acres should the State select surface acres in exchange for relinquishing state land grant parcels. Should the State focus on obtaining Federal minerals via selection of subsurface lands, the BLM notes that a large majority of the Federal oil and gas minerals in North Dakota are leased, and thus are encumbered by valid existing rights. We would like to work with the Sponsor to clarify which Federal mineral estate would be eligible for transfer and whether any additional exclusions should be included in the bill. We also recommend further coordination with the U.S. Department of Agriculture (USDA) particularly if surface management of the National Forest System lands might be affected.

Parcel Selection Process

S. 1088 authorizes the State of North Dakota to select one or more parcels of BLM-managed public land of substantially equivalent value within the State in exchange for relinquishing to the Department all right, title, and interest of a state land grant parcel located wholly or partially within the boundaries of any Tribal reservation. Under the bill, the Secretary must approve or reject the State's selection within 90 days, and if approved, must initiate the process of conveying the selected parcel to the State within 60 days. The bill stipulates that the conveyance shall not be considered a sale, exchange, or conveyance under section 203, 205, 206, or 209 of FLPMA.

After selection and approval, the bill requires that relinquished state land grant parcels located within the boundaries of a Tribal reservation be taken into trust by the Secretary for the benefit of that Tribe, upon the request of the Tribe. Prior to the conveyance of such a parcel, the State and the Secretary are required to consult with the Tribe that has the subject land grant parcel within its reservation boundaries.

The BLM notes that although the bill stipulates that the conveyances would not be considered a sale, exchange, or conveyance under FLPMA, there are necessary procedures and compliance actions required to convey ownership. While the BLM recognizes the Sponsor's intent to simplify the conveyance process for the purposes of the bill, the BLM would like to work with the Sponsor to ensure any lands selected by North Dakota go through an appropriate review process. In addition, the BLM would like to work with the Sponsor to include all affected Tribes in the Tribal consultation process, and not limit consultation to only the Tribe with the state land grant inholding to be conveyed, as Tribal consultation is an important process that should involve Tribes impacted by a Federal action, consistent with applicable law and regulation.

Existing Uses

The bill permits the State to select, and the Secretary to convey, BLM-managed public lands that are subject to a mineral lease or permit issued under the Mineral Leasing Act or in a producing or producible status during the 10-year period following enactment. The State would also be authorized to select BLM-managed land that is “mineral in character,” on the condition that, if subject to an existing lease or permit, the Secretary shall reserve an overriding interest in the portion of the mineral estate that is subject to a mineral lease, and such a selection shall not include any portion of the mineral lease or permit. The bill allows the conveyance of the Federal surface interest of land subject to a mineral lease but requires all Federal mining claims to be converted to State leases and provides that the State will assume all authority over any authorizations or obligations applicable to a relinquished Federal mining claim. Under the bill, all BLM-managed parcels selected by the State for conveyance would be withdrawn from operation of the public land laws, mining laws, and mineral leasing laws, with the withdrawal ending on the date the land is conveyed to the State or the date that the selection is rejected.

Regarding all existing uses, section 4(c) of the bill states that each party to an exchange shall, to the fullest extent allowable under Federal and state law, assume the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing rights. The bill specifically provides for continuance of Federal grazing permits by requiring the Secretary and the State to allow the grazing to continue for the remainder of the permit or lease term. Further, the bill stipulates that if a parcel conveyed by the State is used to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remainder of the term of the permit or lease, as well as for the term of any renewal or extension.

The BLM notes that while several of the bill’s provisions refer to “Federal mining claims,” there are currently no Federal locatable mining claims in North Dakota. The BLM recommends the Sponsor clarify the intent of these provisions. In addition, it is unclear what would constitute the “overriding interest” reserved by the Secretary in mineral estate subject to a lease. The BLM recommends that the Sponsor further define what is considered an overriding interest, as well as the mechanism for its reservation. Further, the BLM recommends the Sponsor clarify whether the overriding interest reserved by the Secretary would supersede the bill’s direction that each party is to succeed to the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing right to which the land is subject – particularly given other provisions directing conversion of all Federal mining claims to state leases.

The BLM appreciates the Sponsor’s attention to the disposition of existing grazing operations in the bill. The BLM notes that it may still be required to comply with regulations requiring two years notice of lease cancellation, and cooperative range improvements may also require refunds based on valuation and depreciation schedules. The Department also recommends that the Sponsor work with the Bureau of Indian Affairs to clarify future management of state grazing leases on the lands to be held in trust for the benefit of a Tribe.

Lastly, the BLM notes that the savings clause in section 7 of the bill states that “nothing in this Act applies to or impacts the ownership of any land or mineral resources.” The BLM

recommends that the Sponsor clarify the intent of the savings clause, given the conveyances of ownership of land and mineral resources directed by the bill.

Valuation of Parcels

Under the bill, state land grant parcels conveyed for a parcel of Federal land must be “substantially equal in value.” The bill requires the Secretary to determine the values of both the state land grant parcel and the BLM-managed parcel to be conveyed through an appraisal completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions. The bill further authorizes the Secretary, with the consent of the State, to use mass appraisals, a summary appraisal, or a statement of value made by a qualified appraiser to determine the value of a parcel using the Uniform Standards for Professional Appraisal Practice, if both parties agree that the market value of the parcel is less than \$500,000 and less than \$500 per acre.

For the value of a Federal parcel that is attributed to the existence of a mineral lease and the lease is to be conveyed, the bill requires that the value of the parcel be reduced by the amount that represents the likely Federal revenue sharing obligation under the Mineral Leasing Act. The bill stipulates that such an adjustment is not to be considered as a property right of the State.

If the overall value of the parcels to be conveyed is not equal, the bill requires the party conveying the parcel of lesser value to equalize the value by payment of funds to the other party. The bill also allows the party conveying the parcel of lesser value to enter the imbalance in value in a ledger account established by the bill. The ledger account must reflect imbalances in value to be reconciled in a subsequent transaction, balanced not later than three years after the date on which the ledger account is established, and closed not later than five years after the date of the last conveyance of land under the bill. Regarding costs and other requirements of conveyance, the bill authorizes the State or the Secretary to assume costs, responsibilities, or requirements for conveying land under the bill that are ordinarily borne by the other party. The parties are directed to make adjustments to the value of the Federal parcel to be conveyed to compensate the State or the Secretary, as applicable.

The BLM notes that the bill does not include any mechanism for protesting or appealing land valuations by any party. The BLM recommends that the Sponsor consider their intent to as to how such protests or appeals would be addressed. In addition, the BLM notes that it is typical for the party requesting the purchase to cover the costs of conveyance outright and recommends amending the provisions requiring adjustments to the value of the Federal land to be conveyed to the State accordingly.

S. 1405, Utah School & Institutional Trust Lands Administration Exchange Act

S. 1405 would ratify a land exchange between the Department and the Utah School and Institutional Trust Lands Administration (SITLA). Under the bill, the BLM would acquire approximately 162,000 acres of lands, and interests in lands, managed by SITLA that are located largely within the Bears Ears National Monument (the Monument), in exchange for a roughly equivalent amount of public land and interests in land managed by the BLM across the State of Utah. The bill includes a post-conveyance appraisal and equalization process to ensure that the exchanged lands, and interests in land, would be of equal value.

The bill is consistent with President Obama’s 2016 Proclamation establishing the Monument and President Biden’s 2021 Proclamation restoring the boundaries and management conditions of the Monument. Both proclamations direct the Secretary of the Interior to explore entering into a memorandum of understanding (MOU) with the State of Utah that would set terms to exchange land owned by the State and administered by SITLA within the boundary of the Monument for land of approximately equal value managed by the BLM outside the Monument. The BLM supports S. 1405 as it would promote conservation and appropriate resource management, including the protection of invaluable cultural resources and sacred sites within Bears Ears National Monument.

The Bears Ears National Monument is located in San Juan County, Utah, and is comprised of approximately 1.36 million acres of public land administered by the BLM as part of the National Landscape Conservation System and National Forest lands administered by the USFS. The Monument lands contain evidence of more than 13,000 years of occupation by indigenous peoples, including petroglyphs and pictographs, large villages, ancient cliff dwellings, ceremonial sites, and countless other objects that provide an extraordinary archaeological and cultural record. These archaeological and cultural resources were seminal to the passage of the Antiquities Act more than a century ago. The lands of the monument are profoundly sacred to many Tribal Nations, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Hopi Nation, and the Pueblo of Zuni, who continue to rely on these lands for religious, traditional, and ceremonial uses.

The Monument contains several geologic marvels including deep sandstone canyons, desert mesas, the renowned Valley of the Gods, and the namesake Bears Ears Buttes, as well as a rich paleontological history that is only recently beginning to be understood. Areas within the Monument are also used by local communities and Tribal members for firewood gathering and livestock grazing. Beyond the vast cultural and natural resources found within the Monument, the area is also meaningful to recreationists who visit the Bears Ears region to backpack, rock climb, and river raft, among other recreational activities.

Proclamation 10285, issued by President Biden on October 8, 2021, directed the Secretary of the Interior to explore entering into an MOU with the State of Utah to exchange land administered by SITLA within the boundary of the Monument for land of approximately equal value managed by the BLM outside the boundary of the Monument in order to further the protective purposes of the Monument. On March 17, 2023, after more than a year of working closely to develop an agreement, the Department, the State of Utah, and SITLA entered into the “Memorandum of Understanding—Exchange of Lands.”

The MOU sets forth the terms of a broad land exchange that is designed to promote conservation and appropriate resource management by exchanging SITLA inholdings within BLM-administered public lands, including the Monument, for other BLM-administered public lands that are more suitable for revenue generation located in 20 counties within Utah that would further SITLA’s statutory duties to benefit schoolchildren and other trust beneficiaries in the state. The BLM-administered public lands identified by SITLA for conveyance to SITLA were identified to maximize the potential for revenue generation (per the applicable statutory requirement) while avoiding management conflicts from significant wildlife resources;

endangered species habitat; significant archaeological, cultural, and historic resources; areas that are sacred or are traditionally, spiritually, or religiously significant to Tribal Nations; lands within the boundaries of Indian reservations; areas of critical environmental concern; coal resources requiring surface mining; wilderness study areas; and significant recreation areas; and to promote the objectives and legal mandates of both the BLM and SITLA.

Analysis

S. 1405 would ratify the terms of the MOU between the Department, SITLA, and the State of Utah, thereby facilitating the exchange of state-owned land, the majority of which is located within or proximate to the Monument, for BLM-administered public lands throughout Utah. Under the bill, the BLM would acquire approximately 162,510 acres of lands administered by SITLA, including State inholdings within the Fish Creek Canyon, Road Canyon, Butler Wash, Mancos Mesa, and Bridger Jack Wilderness Study Areas. In return, SITLA would acquire approximately 167,012 acres of public lands currently managed by the BLM outside the Monument.

The bill requires that the exchange outlined in the MOU take place within 45 days following enactment. To ensure that the exchange is of equal value, the legislation further requires that SITLA and the Department complete an appraisal of the exchanged lands within 18 months of the exchange, using nationally recognized appraisal standards. If the appraisal identifies a disparity in the total value of the exchange, the value would be equalized through the conveyance of specific state or Federal land, as appropriate. These “equalization parcels” are generally identified within the MOU.

The land exchange contemplated in the MOU would allow the BLM to acquire lands containing important or sensitive resources, mostly within or adjacent to the Monument, while transferring public lands into State ownership for revenue generation that would further SITLA’s statutory duties to provide a benefit for Utah schoolchildren and other trust beneficiaries. S. 1405 provides that the exchange of these lands is in the public interest, and that the values of the lands, as determined by the appraisal, are to be equal, consistent with land exchanges that would occur under Section 206 of FLPMA. Like FLPMA, the land exchange provides options for equalizing the value including adding or removing parcels from the exchange.

S. 1622, End Speculative Oil & Gas Leasing Act

S. 1622 prohibits leasing lands that are not included in a Reasonably Foreseeable Development (RFD) scenario or have been identified as low or no oil and gas potential lands under an RFD. Under the bill, the BLM would be required to ensure there is an RFD for all planning areas, as well to update existing RFDs and publish maps depicting the development scenario potential for all lands. The bill outlines specific criteria to be considered in a new RFD, including the existence of past and present exploration, the types of leases in the vicinity, the geological and geophysical information of the Federal lands, and the economic viability of the oil and gas resources. The bill defines Federal lands to include BLM-managed and USFS lands.

In addition, the bill requires the public be offered the opportunity to participate during the development of these RFDs, requires the Secretaries of the Interior and Agriculture to review and update all RFDs every 15 years, and prohibits leasing in areas where an RFD is older than 15

years. Finally, in circumstances where drainage of Federal oil and gas resources may occur from development on adjacent lands, the bill allows for leasing to prevent the substantial loss of those resources.

Analysis

The BLM strongly supports the goal of improving the Federal onshore oil and gas leasing process and understands the benefits of offering for lease public lands that are the most suitable for oil and gas development. The BLM recognizes that in the past fossil fuel development has often been prioritized above other uses of our public lands, resulting in presumptions that all lands should be offered for leasing unless they were specifically placed off-limits through Congressional or administrative action.

In one of his first actions, President Biden issued EO 14008, *Tackling the Climate Crisis at Home and Abroad*, directing the Secretary to conduct a comprehensive review of Federal oil and gas permitting and leasing practices. Following an extensive review and after conducting diverse and robust public engagement, the Department released its “[Report on the Federal Oil and Gas Leasing Program](#)” (Report), identifying necessary reforms to the fiscal terms, leasing process, and remediation requirements related to the Federal oil and gas programs.

Subsequent to the Department’s Report, the Inflation Reduction Act (IRA) provides important authority to modernize the BLM’s oil and gas leasing program, including increasing the minimum royalty rate, minimum bid, and rental rates; assessing a fee for the filing of EOIs; and eliminating non-competitive leasing. The BLM has since issued [new policy guidance](#) for the oil and gas program that adheres to the IRA requirements, which includes a preference for leasing in areas with higher development potential. The BLM also is undertaking a broader regulatory [update of its oil and gas regulations](#) that will provide for full public participation and engagement, ensuring a transparent process and a thorough evaluation of the program’s impacts on other BLM-managed resources. Taken together, these reforms ensure that the Federal oil and gas program serves the American public, accounts for the costs of climate change, provides a fair return to taxpayers, discourages speculation, holds operators responsible for remediation, and more fully includes communities and Tribal, State, and local governments in decision-making.

We appreciate Congress’s continued interest in ensuring the BLM considers the impact of oil and gas leasing on other important uses of public lands, including outdoor recreation, wildlife habitat, and landscape conservation. We recognize that the presence of existing oil and gas leases, whether developed or not, can lead to the exclusion of other land uses, including certain recreation and conservation designations, during the planning process.

We would like the opportunity to continue to work with the Sponsor on a number of technical modifications to clarify and aid in the bill’s implementation, including the scope of the RFD reviews in coordination of other Federal land management planning policies. We would also like to work with the Sponsor to clarify the variance process outlined in Section 7.

S. 1634, Colorado Outdoor Recreation & Economy Act

S. 1634, the Colorado Outdoor Recreation and Economy Act, provides direction for the future management of certain Federal lands in southwestern Colorado. S. 1634 designates the McKenna

Peak Wilderness on lands managed by the Bureau of Land Management (BLM) and releases the remainder of the Dominguez Canyon Wilderness Study Area (WSA) from further wilderness study.

In addition, the bill withdraws approximately 244,500 acres of Federal lands near Carbondale and east of Paonia, Colorado – including Thompson Divide – from operation of the public land, mining, and mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights, and provides for the relinquishment of certain mineral leases within this area. The bill further requires the BLM to inventory coal mine methane emissions from coal mines, and creates a commercial coal mine methane emissions capture program.

The bill also establishes a legislative boundary for the existing Curecanti National Recreation Area managed by the National Park Service (NPS); expands the area to encompass a total of approximately 50,300 acres; directs the transfer of certain lands currently managed by the BLM, USFS, and Reclamation to the NPS for inclusion into this area; and adjusts the potential wilderness area boundary of the NPS-managed Rocky Mountain National Park. Finally, the bill designates three new wildlife conservation areas comprising approximately 14,500 acres; two new special management areas comprising approximately 22,500 acres; and creates or expands eight wilderness areas encompassing approximately 62,100 acres on lands managed by the USFS.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President’s directive recognizes the opportunities that America’s lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. S. 1634 aligns with the Administration’s conservation goals and the BLM supports the bill. The Department of the Interior (Department) defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the USFS.

Analysis

Southwestern Colorado is characterized by high mountain ranges, scenic valleys, and arid, slick rock canyon country. Recreation, agriculture, and energy development drive the local economy, as well as world-famous resort areas like Aspen and Telluride. The public lands managed by the BLM and NPS in this region serve as popular destinations for outdoor enthusiasts, including off-highway vehicle users, hikers, mountain bikers, rock climbers, hunters, and anglers.

McKenna Peak WSA

The McKenna Peak WSA covers nearly 20,000 acres of BLM-managed public lands in San Miguel and Dolores Counties in southwestern Colorado. The Department notes that this area generally serves as habitat for a diversity of plant and animal life, including mule deer, elk, pronghorn, mountain lions, and bald and golden eagles. The WSA also provides important opportunities for hunting, hiking, horseback riding, snowshoeing, and cross-country skiing.

Thompson Divide

The Thompson Divide and North Fork Valley connect the Elk Mountains and Grand Mesa. These rugged areas of Colorado are near the mountain resort communities of Aspen and

Glenwood Springs. The North Fork Valley is also home to a more than century-old coal mining area, as well as an emerging organic farming movement centered in Paonia. This area of Colorado is characterized by steep, forested terrain and large areas of congressionally designated wilderness, including the Raggeds and West Elk wildernesses. Higher elevations include big game habitat, particularly mule deer and elk, while lower elevations are primarily used for agriculture, including vineyards, orchards, and ranching. Oil and gas development has occurred in the Thompson Divide and North Fork Valley for decades. In addition, the Thompson Divide includes the Wolf Creek Storage Field, a natural gas storage unit managed under special use permit by the USFS, where natural gas is stored for later use in nearby communities.

Curecanti National Recreation Area

The NPS-managed Curecanti National Recreation Area includes a series of three Reclamation reservoirs along the Gunnison River. The reservoirs that make up Curecanti today are a destination for water-based recreation high in the Rocky Mountains. Best known for kokanee salmon and lake trout fishing, Curecanti also offers opportunities for hiking, boating, camping, and bird watching. BLM-managed public lands border Curecanti at lower elevations, with National Forest Lands in higher elevations.

Title I – Continental Divide

Section 109 would provide for the maintenance and use of the Trail River Ranch in Rocky Mountain National Park by excluding approximately 15.5-acres from the Rocky Mountain National Park Wilderness. This tract contains a historic ranch, which is dedicated to unique environmental programs currently run by partner groups, The Friends of Trail River Ranch and Rocky Mountain Conservancy. By policy, areas listed as potential wilderness are managed as wilderness until a final determination can be made. Stakeholders believe the area can be used as a more robust education center, accommodating year-round programs while expanding visitor opportunities on the west side of the Park. The necessary upgrades and improved educational uses for the Trail River Ranch are not feasible while the tract is being managed as wilderness. By removing the Trail River Ranch from the potential wilderness designation, the NPS can upgrade the facilities, and allow for year-round educational uses supported by the partner groups, the community, and local stakeholders. The Department supports this adjustment.

Title II – San Juan Mountains

Section 202 of the bill designates approximately 8,900 acres of the existing BLM-managed McKenna Peak WSA as wilderness. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The McKenna Peak WSA has been pending final resolution by Congress since October 1991. The Department supports permanent protection of this area as wilderness, which is consistent with the Administration's conservation goals. We note, however, that section 202 covers only those areas of the WSA in San Miguel County. The other almost 11,000 acres of the WSA in Dolores County are not addressed in the legislation. The Department recommends that the Sponsor and the Subcommittee consider addressing this portion of the WSA as well.

Title III – Thompson Divide Withdrawal / Methane Inventory & Leasing

Section 303 of the bill withdraws approximately 244,500 acres of Federal land near Carbondale and east of Paonia, Colorado, from operation of the public land, mining, mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights. This area is locally

known as the Thompson Divide. The surface of these lands is managed by the USFS (approximately 187,900 acres) and the BLM (approximately 15,200 acres), with the remainder of the surface managed by the State of Colorado and Reclamation or in private ownership.

Under the current BLM and USFS land use plans, some of the lands proposed for withdrawal are currently open to oil, gas, and coal development. The lands overlap with four existing BLM oil and gas units. The Thompson Divide proposed withdrawal largely avoids the historic North Fork Valley coal mine development area, although some coal reserves would be withdrawn.

Section 305 of the bill would require the Department to complete, within one year of enactment, a fugitive coal mine methane inventory. This inventory would include an assessment of “significant” methane emissions from active, inactive, and abandoned coal mines in the Lower North Fork Valley. Section 305 also requires the Department to develop a program to offer for lease Federal methane from active, inactive, and abandoned coal mines, subject to valid existing rights, in addition to authorizing holders of valid existing Federal coal leases in the area to capture for use, or destroy by flaring, fugitive methane emissions.

Section 305 also provides for bid qualifications and a royalty rate for leasing fugitive methane emissions. Bids must specify whether the prospective lessee intends to capture the emissions for beneficial use, such as generating electrical power; destroy the emissions by flaring; or a combination of capturing for use and destroying by flaring. If there is more than one qualified bid for a lease, the Secretary of the Interior is required to select the bid determined to be most likely to significantly advance the public interest.

The Department supports the Thompson Divide withdrawal provided in this section, as it is consistent with the Administration’s conservation goals, and notes that the BLM is currently working with USFS on administratively withdrawing the area from mineral development. The Department also supports the Sponsor’s goals to reduce methane waste coming from public lands, as President Biden has made it clear reducing greenhouse gas emissions is a top priority. The Department would like to work with the Sponsor to aid in the implementation on a number of modifications, including language clarifying the status of the Wolf Creek Storage Unit and the State of Colorado’s share of all Federal revenue from the leasing process. Specifically, it is not clear whether the State of Colorado would be obligated to refund the revenue it has received from these leases.

In order to meet the Sponsor’s ultimate goal of reducing methane emissions, the BLM suggests that Congress consider amending the bill to allow for immediate implementation of the coal mine methane leasing and sequestration program. The BLM notes that a mine methane capture facility currently operating at the Elk Creek Mine near Somerset, Colorado, demonstrates the feasibility of using methane emissions from coal mines to generate electric power. If Congress chooses to move forward with an inventory program, the BLM suggests adding language clarifying that the inventory be limited to methane emissions from coal mines, since there are potentially thousands of natural sources of methane emissions in the specified area. We would also welcome the opportunity to work with the Sponsor to determine which agency is best suited to implement this inventory.

To add further clarity to the requirements posed by the bill, the BLM recommends that the legislation clearly define what constitutes a “significant” source of methane. Using a term consistent with air quality standards currently in use by the BLM, such as in the context of National Environmental Policy Act analysis, could be appropriate. Regarding the leasing program created by the bill, Congress may want to consider limiting the applicability of the leasing provisions to methane that is commercially viable for capture and sale.

Title IV – Curecanti National Recreation Area

Curecanti National Recreation Area (NRA) is located in southwestern Colorado, stretching approximately 40 miles along the Gunnison River basin in Gunnison and Montrose counties. Curecanti is one of the few units of the National Park System that does not have a legislated boundary. In cooperation with Reclamation, the NPS manages Curecanti NRA under Section 8 of the Colorado River Storage Project Act of 1956 and a 1965 Memorandum of Agreement (MOA) between Reclamation and the NPS. Additionally, the NPS maintains cooperative agreements with the BLM and with USFS for various program areas at Curecanti NRA.

Title IV of S. 1634 addresses the recommendations of a 2009 NPS study on management alternatives for the resources within and surrounding Curecanti NRA in several ways. First, the bill transfers administrative jurisdiction of lands withdrawn or acquired by Reclamation to the NPS within one year of the enactment of the bill, while allowing Reclamation to retain lands and all necessary access required for reclamation purposes. The bill also requires that a Memorandum of Understanding governing this access be entered into between the NPS and Reclamation within one year of enactment. Additionally, the bill transfers administrative jurisdiction of approximately 2,500 acres of USFS land and approximately 6,100 acres of BLM land to the NPS, and provides authority to acquire additional land within the boundary by donation, purchase from willing sellers, transfer from a Federal agency, or exchange. The legislation requires that any existing grazing leases on BLM and USFS lands will be honored after transfer to NPS. Furthermore, hunting and fishing opportunities would be allowed on these lands after inclusion in the recreation area. Additionally, the bill transfers 800 acres currently managed by Reclamation to the BLM. These Gunnison County parcels include the 6-site Gateview campground, which lies at the north end of recreation lands currently managed by the BLM's Gunnison Field Office.

The 2009 study further recommended that the NPS expand efforts to support conservation of the natural, cultural, recreational, and scenic resources on lands within and surrounding Curecanti NRA. These recommendations are addressed in Section 402(c), paragraphs (3), (4), and (5), authorizing new or modified management agreements between Federal agencies and state agencies for management of the NRA; allowing recreation access including boating, hunting, and fishing within the NRA; and authorizing landowner assistance and partnership efforts with private landowners located within 3 miles of the NRA boundary. Section 402(c), paragraphs (7), (8), and (9) maintains existing grazing rights, existing water rights, and existing fishing easement access and programs, while Section 404 requires that the NPS prepare a General Management Plan for the NRA, in consultation with the Commissioner of Reclamation, within 3 years of funds being provided for the purpose.

S. 1657, La Paz County Solar Energy & Job Creation Act

S. 1657 directs the Secretary of the Interior to convey approximately 4,800 acres of BLM-managed land to La Paz County as soon as practicable after receiving a request from the county to convey the land. Under the bill, the conveyance would be subject to valid existing rights and such terms and conditions as the Secretary determines to be necessary, and the subsurface would be withdrawn from mineral entry. Any Federal lands with significant cultural, environmental, wildlife, or recreational resources would be excluded from the conveyance. La Paz County would be required to pay fair market value for the land based on an appraisal conducted using uniform appraisal standards, as well as all costs related to the conveyance, including all surveys, appraisals, and other administrative costs.

S. 1657 also specifies that as a condition of conveyance, La Paz County and any subsequent owner of the conveyed land are required to make good faith efforts to avoid disturbing Tribal artifacts. If Tribal artifacts are disturbed, La Paz County would be required to minimize impacts to the artifacts and allow Tribal representatives to rebury artifacts at or near where they were discovered. La Paz County is also required to coordinate with the Colorado River Indian Tribes Tribal Historic Preservation Office to identify artifacts of cultural and historic significance. Other than these conditions, the bill does not impose any further use, development, or disposal restrictions for the surface acres conveyed to the county.

Recognizing the urgency of the climate crisis, the Biden Administration has set a goal to achieve a carbon pollution-free power sector by 2035 and the Energy Act of 2020 has set a goal of permitting 25 gigawatts of renewable energy projects on public lands by 2025. The BLM is engaging our Tribal partners, industry, stakeholders, and the states to increase opportunities for renewable energy development on public lands. The BLM supports the Sponsors' stated goals of promoting solar energy development, but has some concerns with the approach of the bill as discussed below.

Analysis

La Paz County, located in western Arizona, is home to approximately 20,000 people. The county is home to significant recreational opportunities due to its close proximity to the Colorado River; three National Wildlife Refuges; and a number of cultural and historic sites, including old mines and ghost towns.

The John D. Dingell Jr. Conservation, Management, and Recreation Act (P.L. 116-9) included provisions directing the conveyance to La Paz County of approximately 5,900 acres of BLM-managed public lands for economic development and renewable energy generation. The BLM announced the successful conveyance of this land to La Paz County on May 22, 2020. The approximately 4,800 acres of BLM-managed public land to be conveyed under S. 1657 are adjacent to the lands conveyed to La Paz County under the Dingell Act.

Currently, the lands proposed for conveyance are primarily utilized for livestock grazing and include range improvements to facilitate grazing. The BLM is in the midst of processing a photovoltaic solar energy application on 4,654 acres within the 4,800 acres proposed to be conveyed, with a proposed capacity of 800 megawatts, and has nearly completed the initial variance process as identified in the BLM's Western Solar Plan (2012). There is also a BLM-

designated energy transmission right-of-way corridor in the proposed conveyance parcel. The lands have not been identified as potentially suitable for disposal in the Yuma Resource Management Plan, which the BLM completed in 2010.

The BLM recognizes the importance of efficiently deploying renewable energy projects on both public and private lands to meet the urgent demands of the climate crisis while empowering American workers and businesses to lead a clean energy revolution. We also recognize the Sponsors' effort in the bill to protect cultural and Tribal resources, and the BLM is aware of public support for using these lands for solar energy development.

The BLM notes that it is currently reviewing a solar energy project within the proposed conveyance area through a process that will ensure full protection for sensitive resources, including cultural resources, and gives full consideration to the cumulative impacts of the multiple solar projects in the area.

Given the BLM's pending review of this project, we question whether the proposed land conveyance is necessary to advance responsible renewable energy development while protecting environmental and cultural resources and the interests of American taxpayers. Furthermore, as currently written, the bill does not guarantee that once the lands are conveyed, those lands would be used for renewable energy development. Should Congress decide to pursue the conveyance, the BLM would like to work with the Sponsors on modifications that would solidify the intended use of these lands for renewable energy development and ensure appropriate environmental reviews.

We appreciate the Sponsors' inclusion of the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice provision and would welcome an opportunity to work with the bill Sponsors to ensure the responsibilities of each party to the conveyance are clear. The BLM notes that there are several actions that may be required before the BLM can convey public lands, such as environmental assessments and cultural, biological, and cadastral surveys. The BLM is also aware of possible range improvements in the proposed area that may need to be compensated for, in compliance with grazing laws and regulations, in addition to the assessment and survey work required for conveyance. In addition, the BLM would like to work with the Sponsors to develop a new official legislative map of the proposed conveyance to La Paz County, including land status, to be referenced in S. 1657.

The BLM notes that if this legislation is enacted and some or all of the lands are conveyed, the BLM will not be able to approve the pending photovoltaic solar energy application that the bureau is currently processing. Additionally, the BLM would like to work with the Sponsor to exclude from the proposal an important electric transmission corridor. Approximately 1,100 acres of the proposal overlap a BLM-designated right-of-way corridor providing critical eastwest capacity for electric transmission and infrastructure between the Phoenix area and Southern California, including the existing Palo Verde to Devers 500 kilovolt transmission line. The BLM recommends this corridor is maintained to facilitate the orderly administration of other proposed renewable energy projects in this region and advance the goal of 25,000 megawatts on public land as required under the Energy Act of 2020. The BLM is aware that the Sponsor is working

on updating the official legislative map to make these suggested adjustments to accommodate this corridor.

S. 1760 Apex Area Technical Corrections Act

S. 1760 would amend the Nevada Land Transfer and Authorization Act of 1989 (P.L. 101-67) to require the Secretary of the Interior to issue utility and transportation related rights-of-way (ROW) grants for the Apex Industrial Site in southern Nevada. The bill would also allow for the unlimited noncompetitive sale of sand and gravel resources from lands of which the United States has retained mineral rights within the Apex Industrial Site.

Analysis

The Nevada Land Transfer and Authorizations Act of 1989 identified the 21,000-acre Apex Industrial Site located outside the city of North Las Vegas. The 1989 law authorized the sale of BLM-managed lands within the site to Clark County upon their request with a reservation made for ROW corridors. The 1989 law also directed the conveyance of a 3,700-acre parcel of BLM-managed lands within the Apex site to Clark County known as the Kerr-McGee site. As part of this conveyance, the Secretary of the Interior was directed to grant ROWs to Clark County for the connection of existing electric power, water, natural gas, telephone, railroad and highway facilities to the Kerr- McGee Site. From 1989 to 1999 a total of approximately 16,000-acres of BLM-managed lands within the Apex Industrial Site were conveyed to Clark County. The remaining 5,000-acres of BLM-managed lands within the site are reserved for ROW corridors.

Rights-of-Way

Under the FLPMA, the BLM issues ROWs for a variety of uses that are in the public interest, such as supporting energy transmission from renewable and conventional sources, expanding broadband networks, encouraging economic development, and promoting public health and safety. A ROW grant authorizes rights and privileges for a specific use of the land for a specified period that is appropriate for the life of the project. FLPMA further requires the BLM to charge rental fees that reflect the value of the uses authorized by the ROW.

S. 1760 would amend the Nevada Land Transfer and Authorization Act of 1989 to include the Apex Industrial Park Owners Association and the City of North Las Vegas – in addition to Clark County – as parties to whom the Secretary is required to issue utility or transportation ROWs to access the Apex industrial site. The bill would amend the law by removing the discretion from the Secretary in the issuance of these ROW grants. The BLM supports the Sponsor’s goal of facilitating the expansion of public infrastructure for the City of North Las Vegas, which is in the public interest, but would like to work with the Sponsor to ensure that the Department retains discretion on the issuance of any future utility or transportation ROWs.

Federal Minerals

The Materials Act of 1947 removed “common varieties” of certain widespread minerals of common occurrence, such as sand and gravel, from disposal under the Mining Law, and instead made them subject to sale or permit. The BLM’s policy is to make these materials available to the public and local governmental agencies whenever possible and wherever environmentally acceptable. The BLM sells mineral materials to the public at fair market value and shares a portion of the revenues from their sale with the state from which the minerals are produced.

States, counties, or other government entities are allowed to access and obtain mineral materials for public projects at no cost.

S. 1760 would allow for the unlimited noncompetitive sale of any mineral materials generated from activities within the Apex Site. The BLM would like to work with the Sponsor to ensure the sale or use of any Federal minerals follow existing law and regulations.

S. 1776, Protecting Unique & Beautiful Landscapes by Investing in California (PUBLIC) Lands Act

S. 1776, PUBLIC Lands Act, would designate nearly 600,000 acres of wilderness, including over 97,000 acres of land managed by the BLM, 31,000 acres of land managed by NPS, and over 470,000 acres of land managed by the USFS. The bill would designate over 500 miles of wild and scenic rivers (WSR) spread among lands managed by the BLM, NPS and USFS. The bill also expands the San Gabriel Mountains National Monument to include approximately 109,000 acres of additional National Forest System land.

Analysis

Title I, Northwest California Wilderness, Recreation, and Working Forests

Title I provides direction for future management of Federal lands in Del Norte, Humboldt, Mendocino, Tehama, Siskiyou, and Trinity counties, California, and Josephine County, Oregon. Title I establishes the South Fork Trinity-Mad River Restoration Area, creates or expands 17 wilderness areas, designates seven new potential wilderness areas, and designates new wild, scenic, and recreational rivers on lands managed by the BLM, NPS, and USFS. Of the approximately 313,000 acres of new wilderness that would be designated by this title, approximately 246,000 acres are on USFS-managed lands while approximately 36,000 are on BLM-managed public lands and the remaining 31,000 are NPS-managed lands. Title I also designates the Horse Mountain Special Management Area and Sanhedrin Conservation Management Area on lands managed by the USFS and authorizes the designation or study of three new recreation trails on lands primarily managed by the USFS, with a small portion of one of the trails traversing BLM-managed public lands. Finally, the bill includes language to facilitate the restoration of the Redwood National and State Parks, to authorize the Northwest California Public Lands Remediation Partnership, and to establish two visitor centers.

Restoration & Economic Development (Subtitle A)

Subtitle A creates the approximately 730,000-acre South Fork Trinity-Mad River Restoration Area for the purpose of establishing, restoring, and maintaining fire-resilient forest structures, reducing wildfire risk, protecting and restoring aquatic habitat and fisheries, and protecting the quality of water resources. The vast majority of the lands within this proposed area are managed by the USFS, while 1,291 acres are managed by the BLM.

The subtitle also authorizes the formation of a California Public Land Remediation Partnership among multiple entities to remediate impacts from illegal marijuana cultivation on public lands. The BLM and NPS currently partner with Federal, state, Tribal, county, and local partners to support a number of anti-marijuana cultivation initiatives and task forces, including the White House Office of National Drug Policy High Intensity Drug Trafficking Area Initiatives, the

California Department of Justice Campaign Against Marijuana Planting Task Force, and the North State Major Investigative Team. The Department supports efforts to combat the deleterious effects of illegal marijuana cultivation on public lands.

Subtitle A authorizes initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks. The Department recognizes the need to rehabilitate degraded landscapes in Redwood National and State Parks and notes that the NPS is currently engaged with state and nonprofit partners, through existing authorities, in an effort to implement forest restoration treatments on approximately 39,500 acres in the parks.

Subtitle A also authorizes the establishment of a visitor center in Del Norte County, California, to assist in fulfilling the purposes of Redwood National and State Parks and the Smith River National Recreation Area. Currently, the NPS cooperates with state and nonprofit partners to operate existing visitor facilities in the county. Additionally, the NPS has formed a Visitor Center Futures working group to thoughtfully examine how to best meet visitor needs within the context of a park's larger portfolio of assets. The NPS would engage in careful planning to make the best choices for long-term fiscal and operational sustainability for the park and any potential visitor center.

Subtitle A authorizes a study to evaluate the feasibility and suitability of establishing overnight accommodations on Federal land at the southern and northern boundaries of Redwood National and State Parks, or on land within 20 miles of their boundaries. If found to be suitable and feasible, the bill further authorizes the establishment of agreements with private and nonprofit organizations for the development, operation, and maintenance of overnight accommodations. The Department recommends that the study be completed before Congress decides whether to authorize new partnerships for the purpose of offering overnight accommodations at Redwood National and State Parks.

Recreation (Subtitle B)

Among other provisions affecting the USFS, Subtitle B authorizes a study for the Bigfoot National Recreation Trail. The proposed trail route is primarily on USFS-managed lands, with less than three trail miles crossing BLM-managed public lands. The Department concurs that the USFS should be the lead agency in assessing the feasibility of the trail and ultimately administering it.

Subtitle B authorizes the establishment of agreements with qualified private and nonprofit organizations to undertake trail and campground maintenance, public education, visitor contacts, outreach, and visitor center staffing on Federal lands in Mendocino, Humboldt, Trinity, and Del Norte counties in California. The Secretary currently exercises existing authorities to work with private and nonprofit entities for these functions. We would appreciate the opportunity to work the Subcommittee to refine this section to ensure it does not conflict or overlap with existing law.

Conservation (Subtitle C)

Subtitle C creates or expands 17 wilderness areas and creates seven potential wilderness areas on over 313,000 acres of Federal land in northwestern California. These designations are on lands managed primarily by the USFS (approximately 246,000 acres), BLM (approximately 36,000

acres), and the NPS (approximately 31,000 acres). The BLM-managed public lands proposed for wilderness designation by Subtitle C serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in northwestern California.

The Department notes creation of the proposed Headwaters Forest Wilderness in Subtitle C may create a conflict of law between the enabling legislation of the Headwaters Forest Reserve (P.L. 105-83), the associated management plan, and the less restrictive Wilderness Act. In 1997, Congress authorized the Headwaters Forest Ecological Reserve managed in partnership with the California Department of Fish and Wildlife (CDFW). In 2003, supplementary rules were published for the Reserve, which prohibit horse use, direct hikers to use only established trails, and disallow camping. Horseback riding, hiking, and camping are permitted by the Wilderness Act. These more restrictive visitor management and recreation rules, intended to preserve and restore old growth forest ecosystems, could result in uncertainty among the public about what uses are permitted. The Department would like the opportunity to work with the Sponsor to clarify intended management of the proposed wilderness.

Further, the Department would like to thank the Sponsor for continuing efforts to modify boundaries to maximize efficient management of the proposed wilderness designations. The Department welcomes the opportunity to review the proposed wilderness boundaries with the Sponsor to evaluate areas that may have been impacted by planning efforts and changing conditions on the ground.

Subtitle C would also designate approximately 379 miles of new WSRs under the Wild and Scenic Rivers Act. Over 35 creeks and rivers are impacted by the bill, including 20 that cross BLM-managed public lands and three that cross NPS-managed public lands. The BLM notes many of the proposed river segments have recently been evaluated and found eligible and suitable for WSR designation. The BLM recommends adjusting the proposed river classifications to include additional WSR designations that would align with the BLM's Wild and Scenic River Eligibility Report. The NPS would like to work with the Sponsor on language in the legislation that would make certain WSR designations contingent upon land acquisitions. The Department notes that WSR segments that cross private lands can be managed for their outstanding natural, cultural, and recreational values through voluntary partnerships, in accordance with the WSR Act and agency policy.

Finally, Title III designates approximately 31,000 acres of Redwood National Park as potential wilderness and directs the potential wilderness area to be managed as wilderness. The bill further requires a report to Congress every three years on the status of ecological restoration within the potential wilderness area and the area's progress toward eventual wilderness designation. The designation is to occur within 10 years or upon completion of restoration work that would be incompatible with a wilderness designation. The Department notes these lands are in need of extensive and long-term ecological restoration. The Department appreciates the flexibilities provided to continue ecological activities in the potential wilderness area and would like to work with the Sponsor to ensure NPS has adequate time to rehabilitate forested watersheds throughout Redwood National and State Parks before a wilderness designation.

Title II, Central Coast Heritage Protection

Title II would designate three wilderness areas within the Carrizo Plain National Monument managed by the BLM. Title II would also establish the Black Mountain Scenic Area on lands managed by the BLM and the USFS and designate or expand nine wilderness areas within the Los Padres National Forest, two of which would include some BLM-managed public lands. Finally, Title II designates the Condor National Recreation Trail across the Los Padres National Forest and small portions of BLM-managed public lands.

The Carrizo Plain National Monument, which includes over 206,000 acres of public lands, was designated in 2001. The monument, located only a few hours from Los Angeles in San Luis Obispo and Kern Counties, California, features the white alkali flats of Soda Lake, the pictographs of Painted Rock, open grasslands, and a broad plain rimmed by mountains. When conditions are right, numerous wildflowers can carpet the valley floor. In addition, the Chumash, Salinian, and Yokuts Tribes have called this area home for at least the last 10,000 years. Lands within the monument boundary are cooperatively managed by the BLM, CDFW, and The Nature Conservancy through a Memorandum of Understanding established to ensure the three entities manage their respective lands in a complementary fashion.

Under the monument's 2010 Resource Management Plan (RMP), the BLM currently manages approximately 44,500 acres of public lands for the protection of wilderness characteristics. The decision to manage these public lands for wilderness characteristics under the RMP occurred as part of a 10-year collaborative planning effort with strong public support. Within the monument, the BLM also manages the approximately 17,984-acre Caliente WSA in a manner that does not impair its suitability for potential future preservation by Congress as wilderness, as required by FLPMA.

Wilderness (Sections 203-204, 206)

The three new wilderness areas proposed for designation within the Carrizo Plain National Monument include the Caliente Mountain Wilderness (approximately 35,600 acres), the Soda Lake Wilderness (approximately 13,300 acres), and the Temblor Range Wilderness (approximately 12,500 acres). Each of these areas generally serves as habitat for a variety of plant and animal life, including tule elk, upland game birds, and other species managed by CDFW. They also provide many recreational opportunities, such as hunting, hiking, camping, and provide visitors with outstanding opportunities to be alone in nature.

The bill would also designate or expand nine additional wilderness areas within the Los Padres National Forest. We defer to the USDA regarding provisions in the bill concerning lands and interests managed by the USFS; however, the proposed addition to the Garcia Wilderness Area would include approximately 120 acres of BLM-managed public lands, and the proposed addition to the Machesna Mountain Wilderness Area would include approximately 530 acres of BLM-managed public lands.

Wild & Scenic Rivers (Section 205)

Section 205 of S. 1776 pertains to lands managed by the USFS. The Department defers to the USDA regarding these provisions.

Scenic Areas (Section 207)

Section 207 of the bill would designate two scenic areas – the Condor Ridge Scenic Area (approximately 18,600 acres) in the Los Padres National Forest and the Black Mountain Scenic Area (approximately 15,800 acres) on lands administered by the USFS and the BLM. The Department supports this designation of BLM-managed lands and defers to the USDA on the designation of USFS-managed lands.

National Trails (Section 208)

Section 208 of the bill would establish the Condor National Scenic Trail. The trail almost exclusively traverses USFS lands, and the Department defers to the USDA on Section 208.

Miscellaneous Provisions (Sections 209-211)

Sections 209 and 210 of the bill pertain to lands managed by the USFS. The Department defers to the USDA regarding these provisions. The Department has no objection to section 211, which addresses use by members of Tribal Nations.

Thank you again for the opportunity to testify on S. 1776, the Protecting Unique and Beautiful Landscapes by Investing in California Lands Act. The Department supports S. 1776, and we look forward to working with the Sponsor and the Subcommittee on minor modifications.

S. 1890, Malheur Community Empowerment for the Owyhee Act

S. 1890 would designate approximately 1.1 million acres of wilderness while providing for increased grazing flexibility intended to improve long term ecological health on certain public lands in Malheur County, Oregon. It would also release approximately 200,000 acres of existing wilderness study areas and direct approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable BLM land use plan. Further, the bill would transfer nearly 32,000 acres of BLM-managed, State-owned land, and create a Tribal Co-Stewardship Area overlapping the Castle Rock Wilderness Study Area.

S. 1890 aligns with the Administration’s conservation goals through its wilderness designations as well as its approach to improving the ecological health of working lands and restoring Tribal homelands to Tribal ownership. The BLM supports S. 1890 and appreciates the opportunity to continue working with the Sponsor on these critical conservation goals and Tribal conveyances. Malheur County is located in the southeast corner of Oregon. It is the second largest county in the State, spanning 9,874 square miles or 6.3 million acres, and has a population of approximately 31,000 according to the United States Census Bureau. For many years, cattle ranching and agriculture have been the major economic enterprises in the county. Over 70 percent of the county is in public ownership, including 4.4 million acres of public lands managed by the BLM.

Analysis

Malheur County Grazing Management Program (Sec. 3)

Section 3 authorizes the Secretary of the Interior to carry out the “Malheur County Grazing Management Program” to provide grazing permittees and leaseholders with increased operational flexibility intended to improve long term ecological health. Under the bill, when

renewing a grazing permit or lease under the program, the Secretary would develop and analyze at least one alternative to provide operational flexibility to permittees and leaseholders to address changing conditions on the ground. The proposed operational flexibilities would be developed pursuant to the National Environmental Policy Act (NEPA).

The Secretary would be required to develop cooperative rangeland monitoring plans and rangeland health objectives to assess natural resource conditions and identify situations where operational flexibility is appropriate to improve long-term ecological health. Eight years after enactment of the bill, the Secretary would be required to conduct a review of the grazing program to determine whether the objectives of the program are being met. If the Secretary finds the objectives of the grazing program are not being met, the program would need to be modified or terminated by the tenth year following enactment. The BLM recommends the inclusion of language requiring all monitoring plans to identify the responsible party for data collection and storage.

Additionally, S. 1890 directs the Secretary to enact additional interim flexibilities such as allowing a variance to the terms and conditions of the existing applicable grazing permits including allowing adjustments to the season of use by no more than 14 days and adjusting dates of pasture rotation by no more than 14 days. These adjustments would not extend the overall season of use but would allow the days permitted to be adjusted based on weather, forage production, or the effects of fire or drought. The BLM would like to work with the Sponsor on language providing the BLM with advance notice of the use of these flexibilities.

Further, the bill allows the permittees to adjust the placement of water structures for livestock or wildlife by not more than 100 yards from an associated existing road, pipeline, or structure. The BLM supports interim flexibilities to adjust season of use and pasture rotation, noting that the seasons of use will not be extended but altered in response to changing conditions on the ground. The BLM also welcomes the opportunity to work with the Sponsor on additional legislative text to ensure the proposed movement of water structures does not impact sensitive natural resources and complies with the requirements of other State or Federal laws such as Section 106 of the National Historic Preservation Act, the Archeological Resources Protection Act, Endangered Species Act, and water rights concerns.

Our nation's rangelands provide and support a variety of goods, services, and values important to all Americans. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, sequester carbon, store and filter water, provide a home for an abundance of wildlife, provide scenic beauty, and are the setting for many forms of outdoor recreation. We appreciate the Sponsor's effort to provide the BLM with the grazing flexibility outlined in S. 1890 for grazing to restore the ecological health of public lands, and conserve resource values in the face of climate change and extreme drought. Further, the BLM appreciates the opportunity to continue working with the Sponsor to strengthen opportunities for Tribal consultation in land management decisions and ensure the health of the public lands while still allowing them to be used for grazing, recreation, and other uses.

Malheur Community for the Empowerment of the Owyhee Group (Sec. 4)

Section 4 establishes the Malheur Community Empowerment for Owyhee Group (Malheur CEO Group) that includes representatives of the Burns Paiute and Fort McDermott Tribes, ranchers, and other county businesses, conservation organizations, or recreation organizations as voting members. Representatives from Federal, State, and county governments would be included as non-voting members. Under the bill, each Federal, State, and local member of the Malheur CEO Group are to be appointed by the applicable agency head and shall propose eligible projects to be carried out by the Malheur CEO Group or a third party. Projects carried out on Federal land or using Federal funds must be approved by the head of the applicable Federal agency within 14 days. The BLM notes that regulatory timeframes for approval of range improvement projects allow for time for protests and appeals that exceed the 14 days currently allotted. The BLM recommends extending the timeframe to issue a decision to ensure sufficient time to make a decision based on applicable law and science. Lastly, the bill directs any Federal agency with authority and responsibility in the county to provide technical assistance to the Malheur CEO Group on request of the Malheur CEO Group.

The BLM notes that the Southeast Oregon Resource Advisory Committee currently provides advice and recommendations on all aspects of public land management to the BLM's Burns and Vale District Offices, including lands in Malheur County. The bill assigns the Malheur CEO Group with a role that is dedicated to developing and funding restoration and management projects that could complement the efforts of the Southeast Oregon Resource Advisory Committee, and as such, the BLM supports the creation of the Malheur CEO Group.

Wilderness & Land Designations (Sec. 5)

S. 1890 establishes 1.1 million acres of wilderness and releases approximately 200,000 acres of wilderness study areas from non-impairment management under Section 603 of FLPMA. It also directs approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable BLM land use plans, which is the BLM's current practice. The BLM recognizes that the wide-ranging lands proposed for wilderness designation encompass scenic canyons, volcanic rock formations, and rolling hills that serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, camping, horseback riding, and other forms of outdoor recreation.

Wilderness is a key component of conservation. The Biden administration recognizes wilderness is a fundamentally important part of the American landscape, not only for cultural, economic, and scientific values, but also for the beauty, majesty, and solitude it provides. The BLM supports these wilderness designations and would appreciate the opportunity to work further with the Sponsor on language addressing construction of new grazing facilities and to refine the initial maps referenced in S. 1890.

Additionally, the BLM supports the bill's approach in section 5 that directs lands released from further wilderness study to be managed consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, mineral development, grazing, off-highway vehicle use, hunting, and the conservation of natural values. Further, the BLM uses the land use planning

process to determine how to manage lands with wilderness characteristics as part of the BLM's multiple-use mandate.

Economic Development (Sec. 6)

Section 6 of the bill directs the Secretary of Transportation, in coordination with the Department of the Interior, the county, and "Travel Oregon" to establish requirements for four loop roads to promote tourism. Safety upgrades, including surfacing and signage, to improve access to recreational opportunities are to be completed within one year of the bill's enactment. The BLM supports these provisions and recommends providing additional time for the completion of environmental analysis under the NEPA and other applicable laws, which could lengthen the time for completing safety upgrades to the loop roads.

Further, the bill requires Reclamation to carry out a feasibility study in coordination with the Owyhee Irrigation District to improve recreation opportunities on and around the Owyhee Reservoir. The bill authorizes \$1 million to carry out the feasibility study in 180 days. In carrying out this feasibility study, Reclamation notes that different requirements will apply between the multiple jurisdictions. Further, Reclamation notes that certain construction activities would also require Reclamation to complete environmental compliance and dam safety requirements prior to construction. Reclamation appreciates the work to enhance recreation opportunities around Owyhee Reservoir and would like to work with the Sponsor and the Subcommittee to address some concerns and propose technical modifications.

Land Conveyance to the Burns Paiute Tribe (Sec. 7)

Under section 7, approximately 21,000 acres of BLM-managed public lands, 6,686 acres of certain private land, and 4,137 acres of State land would be held in trust for the benefit of the Burns Paiute Tribe to protect and conserve cultural and natural values, and to be part of the reservation of the Burns Paiute Tribe. Further, section 7 specifically directs that any land taken into trust would remain eligible for payments under the Payment in Lieu of Taxes (PILT) program established under chapter 69 of title 31, United States Code. Additionally, the bill creates a Tribal Co-Stewardship Area overlapping the Castle Rock WSA.

Both the Departments of the Interior and Agriculture recognize, through Secretarial Order 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, that it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government. The Department supports consolidation of Tribal landholdings within reservations, including Tribal acquisition of Federal lands and private inholdings. The BLM has conducted an initial review of existing land uses on the lands affected by the provision and supports the proposed conveyance of lands to be held in trust for the Burns Paiute Tribe. The BLM would like to work with the Subcommittee and bill Sponsor on technical modifications to the land transfer provisions, and inclusion of language further addressing co-stewardship of a WSA and standard conveyance language.

Finally, the BLM notes that Federal payments to local government through PILT payments offset losses in property taxes due to the existence of nontaxable Federal lands within their boundaries. In 2022, nearly \$550 million was distributed through the PILT program to help local

governments administer firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The Department further notes that as drafted the provision would increase overall PILT acreage due to the inclusion of non-Federal land taken into trust.

S. 2042, Sloan Canyon Conservation & Horizon Lateral Pipeline Act

S. 2042 would amend the Clark County Conservation of Public Land and Natural Resources Act of 2002 by expanding the Sloan Canyon NCA in Clark County, Nevada, by adding approximately 9,000 acres of public land managed by the Bureau of Land Management (BLM). The bill would also require the Secretary to grant a free, permanent right-of-way (ROW) to the Southern Nevada Water Authority (SNWA) through the Sloan Canyon NCA within one year of enactment. Finally, the bill would allow SNWA to use any displaced sand and gravel resources within the ROW without cost.

Analysis

Clark County, located in southern Nevada, is home to over 2.2 million people, as well as significant historic, cultural, and paleontological treasures. The BLM manages approximately 2.6 million acres of public lands within Clark County for a wide range of multiple uses. These include various recreational activities, such as hiking, camping, horseback riding, and off-highway vehicle (OHV) riding, renewable energy projects, rights-of-ways for utilities, and mineral development. Notably, Clark County contains iconic BLM-managed recreation and conservation areas, such as the Red Rock Canyon NCA, Sloan Canyon NCA, and the Gold Butte National Monument.

Sloan Canyon National Conservation Area

In 2002, Congress designated 48,438 acres of BLM-managed lands as the Sloan Canyon NCA in southern Nevada. The designation was made to preserve and protect the natural and cultural resources located in the southern Mojave Desert. The Sloan Canyon NCA provides outstanding opportunities for visitors who wish to experience the unique scenic and geologic features, remarkable cultural resources, and diverse recreation possibilities within the area.

In addition, the Sloan Canyon NCA includes the Sloan Canyon Petroglyph Site and the North McCullough Wilderness. The Sloan Canyon Petroglyph site is one of the most significant, scenic, and important cultural resources in southern Nevada, containing more than 300 rock art panels and nearly 1,700 designs representing native cultures dating from the Archaic period to the modern era. The 14,763-acre North McCullough Wilderness lies entirely within the Sloan Canyon NCA and contains unique and spectacular natural resources, including thousands of acres of pristine land that remain in a natural state. The wilderness is located only a few miles from Las Vegas and the City of Henderson, Nevada, and provides opportunities for solitude and a primitive and unconfined type of recreation in close proximity to two of the busiest and most densely populated cities in the state.

S. 2042 would expand the existing NCA by adding over 9,000 acres of BLM-managed public lands. The BLM notes that the majority of the lands identified for inclusion in the NCA are currently being used for dispersed recreation, off-highway vehicle use, and recreational shooting.

The BLM generally supports expanding this NCA but would like to work with the sponsor to ensure any lands included would be consistent with the stated purpose of the NCA.

Rights-of-Way

Under the FLPMA, the BLM issues ROWs for a variety of uses that are in the public interest. A ROW grant authorizes rights and privileges for a specific use of the land for a specified period that is appropriate for the life of the project. FLPMA further requires the BLM to charge rental fees that reflect the value of the uses authorized by the ROW. Pursuant to the Southern Nevada Public Land Management Act of 1998, SNWA, defined as a regional governmental entity in that Act, upon application shall be issued a ROW on Federal lands in Clark County, Nevada, that is valid in perpetuity and shall not require the payment of rental or cost recovery fees.

S. 2042 would grant a permanent, free ROW to SNWA to construct and maintain a water pipeline. In 2021, BLM rejected a similar ROW request from SNWA for the construction of an underground water pipeline in the Sloan Canyon NCA as inconsistent with the purposes of the NCA as designated by Congress. The BLM is also concerned that the bill's mandate for a permanent ROW for a water pipeline could compromise the natural values that the NCA was specifically designated to protect. The permanent ROW granted by the bill is for a surface access road as well as the water pipeline, both of which would involve surface disturbing activities. The BLM remains committed to ensuring the core values and resources identified for protection by the creation of the Sloan Canyon NCA remain protected.

If the bill moves forward, the Department would like to work with the sponsor to ensure that any ROW issued by the BLM follows the established requirements for the ROW. The Department also notes that the one-year timeframe to issue the ROW provided by the bill is insufficient to complete the Tribal consultation and environmental analysis required by law and regulation.

Federal Minerals

The Mineral Materials Act of 1947 removed "common varieties" of certain widespread minerals of common occurrence, such as sand and gravel, from disposal under the Mining Law, and instead made them subject to sale or permit. The Mineral Materials Act established a process to provide the taxpayer with a fair return for those minerals that are disposed of through sale or lease.

S. 2042 would allow SNWA to use any displaced sand and gravel resources within the ROW created by the bill without cost. The Department would like to work with the Sponsor on modifications to ensure that taxpayers receive a fair return for the use of mineral materials by the SNWA, as directed by the Mineral Materials Act and other applicable law.

S. 2136, Utah State Parks Adjustment Act

S. 2136 directs the Department to convey several small, isolated BLM-managed parcels (approximately 510 acres) within and around Antelope Island State Park and Wasatch Mountain State Park to the State of Utah at no cost. The legislation would consolidate land ownership within the two state parks, which would improve manageability, and dispose of isolated Federal parcels that are difficult to manage. The BLM supports the bill.

The bill also proposes the conveyance of Federally owned parcels administered by the USFS at Fremont Indian State Park. The Department defers to the U.S. Department of Agriculture regarding provisions affecting the management of lands administered by the USFS.

Analysis

The isolated Federal parcels within Antelope Island State Park total approximately 280 acres surrounded by the Great Salt Lake, and are inherently difficult to manage by the BLM due to location, small size, and lack of access. The isolated Federal parcels near Wasatch Mountain State Park are similarly difficult for BLM to manage due to location, small size, isolation from other public land, and lack of access. The Federal parcels within and around the Wasatch Mountain State Park were first identified as potentially suitable for disposal to the state, and inclusion into the Wasatch Mountain State Park, in the BLM's Park City Management Framework Plan issued in 1975. Most of these isolated parcels are only accessible through Wasatch Mountain State Park. The Wasatch Mountain State Park conveyance would add approximately 230 acres to the state park.

The BLM welcomes the opportunity to work with the Sponsor to continue to define inholdings administered by the BLM for conveyance as proposed by the bill. The BLM is currently developing a supplemental survey plat to evaluate the complex mineral survey history of the area, develop accurate legislative maps, and ultimately execute the proposed transfer. Further, the BLM would like to work with the Sponsor to explore the potential transfer of additional nearby BLM-managed isolated parcels previously identified for disposal in BLM land use planning documents.

The BLM regularly transfers public lands to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes (R&PP) Act or through direction from specific Acts of Congress. As a matter of policy, the BLM generally supports these legislative conveyances at no or low cost if the lands are appropriate for disposal and will be used for public purposes consistent with the R&PP Act.

The BLM understands that the proposed management of the lands for conveyance to the State of Utah for inclusion in the state parks would be for public purposes. The BLM would appreciate the opportunity to work with the Sponsor on legislative language ensuring that the management of the lands conveyed is consistent with the standards of the R&PP Act and addresses the costs of the conveyance. Additionally, the BLM would like to work with the Sponsor on a few minor technical modifications to the bill, and notes that the lands proposed for conveyance would require a patent or quitclaim deed per regulation and policy.

S. 2216, Montana Sportsmen Conservation Act

S. 2216 would release over 103,000 acres of public lands managed by the BLM and the USFS from designation as WSAs. Under the bill, 22,960 acres of BLM-managed WSAs would be released from management under Section 603 of the FLPMA, and 81,000 acres of lands managed by the U.S. Forest Service would be released from management under section 3(a) of the Montana Wilderness Study Act of 1977. Each of these laws require the respective agencies to

maintain the existing wilderness characteristics of the lands and their potential for inclusion in the National Wilderness Preservation System.

Wilderness and WSAs are an essential component of conservation. The Biden Administration recognizes wilderness is a fundamentally important part of the American landscape for cultural, economic, and scientific values and for the beauty, majesty, and solitude it provides. Wilderness and WSAs generate significant economic benefits to local communities by providing recreational opportunities while simultaneously supporting community and ecosystem health and biodiversity.

Analysis

FLPMA provides a clear statement on the retention and management of lands administered by the BLM. Section 603 of FLPMA provides direction under which the BLM became a full partner in the National Wilderness Preservation System established by the Wilderness Act of 1964. The first step of the Section 603 process – to identify areas with wilderness characteristics – was completed in 1980. The BLM identified over 800 WSAs encompassing more than 26 million acres of BLM-managed lands. The second step of the process, begun in 1980 and concluded in 1991, was to study each of the WSAs and make a recommendation to the President on their suitability or non-suitability for preservation as wilderness. The President was then directed to send wilderness recommendations to Congress within two years of receiving the Secretary of the Interior’s recommendation.

The President’s 1992 and 1993 wilderness recommendations to Congress are now 30 years old, and the on-the-ground analysis of their wilderness suitability is as much as 40 years old. During that time, resource conditions have changed, and our understanding of natural resources has improved. Today, WSAs maintain the apparent naturalness, outstanding opportunities for solitude or primitive recreation, and supplemental features, the wilderness characteristics for which they were originally designated, and are managed so as not to impair their suitability for designation as wilderness. While the Hoodoo Mountain and Wales Creek WSAs were not recommended for wilderness designation in 1991, suitability recommendations made today may be different.

The BLM manages the Wales Creek and the Hoodoo Mountain Wilderness Study Areas under the authority of Section 603 of FLPMA to ensure non-impairment of their wilderness character. The Hoodoo Mountain WSA is composed of forested areas interspersed with open grassland parks, rock outcrops, and wet meadows. The area provides habitat for a variety of wildlife, including elk, moose, deer, black bear, porcupine, grouse, pine martin, fisher, wolverine, and mountain lion. The Wales Creek WSA encompasses streams providing habitat for cutthroat trout and forest with stands of spruce, lodgepole pine, Douglas fir, and sub-alpine providing habitat for moose, elk, deer, beaver, black bear, and mountain lion. Both WSAs currently provide abundant recreational opportunities include hunting, hiking, and camping.

The BLM cannot support release of these WSAs without further evaluation given their integral role in supporting fish and wildlife, providing ecosystem services, and enabling the public to experience their naturalness and enjoy opportunities for solitude and unconfined recreation. The BLM defers to the USFS regarding the bill’s provisions affecting the management of lands under their jurisdiction.

Conclusion

Thank you again for the opportunity to provide testimony on these bills.