

**Statement of  
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United States Department of the Interior  
Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands and Forests  
Hearing on:  
S. 1056, Southern Nevada Limited Transition Area Act  
S. 2150, Eugene Land Conveyance Act  
S. 2373, City of Green River Land Conveyance Act  
H.R. 3507, Pechanga Band of Luiseno Mission Indians Land Transfer Act**

**March 29, 2006**

Mr. Chairman, thank you for the opportunity to testify. The Bureau of Land Management (BLM) manages 261.8 million acres of surface land primarily in 12 western states. As the Nation's largest Federal land manager, the BLM administers the public lands for a wide range of multiple uses including energy production, outdoor recreation, livestock grazing, and by conserving natural, historical, cultural, and other resources. The Federal Land Policy and Management Act (FLPMA) directs the BLM to make decisions about the appropriate use of the public lands through the development of resource management plans using a collaborative public process.

FLPMA allows the BLM to convey lands out of public ownership if, for example, they have been identified for disposal through the BLM land use planning process in order to serve important public objectives, such as community expansion and economic development. In partnering with local communities across the West, we understand their needs and are supportive of efforts that ensure a balanced approach to local land use management. As a matter of both policy and practice, the BLM generally requires receipt of fair market value for any public lands transferred out of public ownership. This serves to ensure that taxpayers are fairly compensated for the removal of public lands from Federal ownership while also supporting local communities.

The various BLM-related bills before the Subcommittee today cover a wide range of Federal land issues, but at their core all are intended to support the needs of local communities. I will discuss each bill individually.

**S. 1056, Southern Nevada Limited Transition Area Act**

S. 1056, the Southern Nevada Limited Transition Area Act, would convey without consideration approximately 547 acres of BLM public lands, defined in the bill as the "transition area," to the City of Henderson, Nevada, for economic development adjacent to the Henderson Executive Airport. The BLM recognizes the massive residential growth occurring in the City of Henderson, and understands the need for the City to plan land use in such a way that development around the Henderson Executive Airport is compatible with the nature of airport operations. The BLM supports the intent of S. 1056 and would like to work with the Committee and sponsors of the bill on several changes to clarify the terms and conditions of any future sales of the lands by the City of Henderson, the reversionary clauses, and other minor modifications.

S. 1056 establishes development areas around the Henderson Executive Airport similar to the Airport Environs Overlay District - otherwise known as the McCarran Airport Cooperative Management Area (CMA) - established by the Southern Nevada Public Lands Management Act (SNPLMA), Public Law 105-263, that ensures compatible development around McCarran Airport. The public lands proposed for conveyance in S. 1056 are directly west and south of the Henderson Executive Airport, which is east of Interstate-15 and north of the Sloan Canyon National Conservation Area. These lands are within the disposal boundary established in SNPLMA and have been identified for disposal by the BLM as part of SNPLMA's land disposal process.

S. 1056 directs the City of Henderson to plan and manage the lands for nonresidential development, and requires that any development comport with noise compatibility requirements defined in section 47504 of title 49, United States Code. The bill permits the City of Henderson to sell any portions of the conveyed lands for nonresidential development through a competitive bidding process, but for not less than fair market value, and subject to the noise compatibility requirements. The City of Henderson may also elect to retain parcels for recreation or other public purposes under the Recreation and Public Purposes Act.

The revenue generated from any sales of the lands by the City of Henderson would be distributed as follows: 85 percent would be deposited into the special account established by SNPLMA; 10 percent would be retained by the City of Henderson as compensation for costs incurred by the City in carrying out land sales and to fund infrastructure to serve the Transition Area; and 5 percent would be returned to the State of Nevada for use by the State's general education program.

In order to ensure that the public interest is met, we recommend that Section 3(b) of the bill be amended to clarify that in addition to receiving fair market value for the direct sale of the lands, fair market value should also be received for any lease, exchange, or conveyance of the lands of any sort by the City of Henderson. This would be consistent with the terms in Section 4(g)(4) of SNPLMA that authorizes the conveyance of land by Clark County in the McCarran Airport CMA. We would also like to work with the Committee and sponsors of the bill to modify the reversionary language in Sections 3(e)(1) and (2) of the bill to make the language consistent and at the Secretary's discretion. Finally, Section 2(5) needs to be updated to reflect the correct date of the map entitled "Southern Nevada Limited Transition Area Act."

#### **S. 2150, Eugene Land Conveyance Act**

S. 2150, the Eugene Land Conveyance Act, directs the Secretary of the Interior to convey to the City of Eugene, Oregon, without consideration and subject to valid existing rights, a parcel of approximately 12 acres currently under the administrative jurisdiction of the BLM for the purposes of constructing an environmental education center and establishing a wildlife viewing area. The BLM supports the conveyance authorized by S.2150; however, we have some concerns and would appreciate the opportunity to work with the sponsor and the Committee on minor technical amendments.

The parcel to be conveyed under S. 2150 is located within the city limits of Eugene, Oregon. The BLM purchased the parcel on September 21, 1979, with \$510,000 of Oregon and California Lands Act (O&C) appropriated funds. The BLM originally planned to build its Eugene District Office on the parcel; however, about half the site was determined to be occupied by wetlands, and the Eugene office was built at another location. We have not had the site appraised since the original purchase.

If the parcel to be conveyed under S. 2150 were public domain land, the BLM could convey it under the authority of the Recreation and Public Purposes (R&PP) Act (43 U.S.C. 869 *et seq.*). However, because the BLM purchased the parcel with O&C funds, it is designated as "Revested O&C Railroad Grant Lands", and the R&PP Act does not apply.

An old ranch house located on the parcel, known as the "Red House", was converted for office use and currently hosts employees and volunteers associated with the West Eugene Wetlands (WEW) Partnership. The WEW Partnership includes the BLM, the City of Eugene, The Nature Conservancy, the U.S. Army Corps of Engineers, the Oregon Youth Conservation Corps, the U.S. Fish and Wildlife Service, the McKenzie River Trust, and the Willamette Resources and Educational Network (WREN). The WEW Partnership (primarily the City of Eugene and The Nature Conservancy) have worked to leverage Federal dollars to reach nearly \$4.5 million for acquisition and management of the wetlands.

In addition, the Eugene 4J School District and the Bethel School District joined with the WEW Partnership to form the WEW Education Center Partnership. This group is working to build the Wetlands Education Center on the parcel to be conveyed under S. 2150. The wetlands education program has secured funding from a wide variety of public and private sources, including the U.S. Department of Education, the City of Eugene, the Eugene 4J School District, the Environmental Protection Agency, the Oregon

Watershed Enhancement Board, the Collins Foundation, and private donations. The Education Center will contain the Rachel Carson Center for Natural Resources (a 4J High School), the Northwest Youth Corps, laboratories and green houses, visiting classrooms and office space for WEW Partnership staff. In May 2002, voters in Eugene approved a school bond that included the first installment for construction of the Rachel Carson Center for Natural Resources.

The following are concerns we would like to address through technical amendments:

- Survey: The BLM has a survey from its purchase of the property in 1979 that is adequate to support the BLM's issuing a Quit Claim Deed to the City of Eugene. If this meets the sponsor's intentions, Section 3(b)(1) should be amended to state "12.36 acres," and the "Survey" in section 3(b)(2) should refer to the existing survey from the 1979 acquisition.
- Reversion: We urge that Section 3(c) be amended to make reversion at the Secretary's discretion.

### **S. 2373, City of Green River Land Conveyance Act**

S. 2373, the City of Green River Land Conveyance Act, directs the BLM to sell at appraised fair market value approximately 132 acres of public land to the City of Green River, Wyoming. The land would be used for development along Interstate-80 east of Green River. The Department of the Interior supports this proposal, but would like to work with the sponsors of the bill and the Committee on certain technical changes.

Green River, Wyoming, is a growing community located west of Rock Springs along the Green River in southwest Wyoming. The 132 acre parcel proposed for conveyance straddles Interstate-80 and could be appropriate for community expansion. We understand this is the intention of the City of Green River. These lands have not been identified for disposal in the BLM land use planning process. The land is currently authorized for grazing, and sufficient access and acreage for grazing would remain available if the lands were conveyed. There are no mineral leases or mining claims on the parcel.

S. 2373 requires the Secretary to convey all right, title, and interest to the land within 180 days after the City submits an offer to acquire the land. The proceeds from the sale of the lands are to be deposited in the Federal Land Disposal Account established under the Federal Land Transaction Facilitation Act, Public Law 106-248, to be expended in accordance with that Act.

We would like an opportunity to work with the Committee and the sponsors of the bill on certain technical changes, including the timeframes established in section 3(a) of the bill in order to ensure sufficient time for completion of a land use plan amendment in accordance with section 202 of the Federal Land Policy and Management Act and completion of the necessary environmental reviews and clearances.

### **H.R. 3507, Pechanga Band of Luiseno Mission Indians Land Transfer Act**

H.R. 3507 is substantially similar to legislation (H.R. 4908) on which we testified in the 108th Congress. This legislation directs the Secretary of the Interior to transfer two parcels of public land totaling approximately 991 acres in Riverside County, California, currently managed by the Bureau of Land Management (BLM), into trust status for the benefit of the Pechanga Band of Luiseno Mission Indians.

The Department of the Interior supports H.R. 3507, but recommends certain technical and clarifying amendments to the bill. While several of the changes we recommended when we testified during the 108th Congress have been remedied in H.R. 3507, certain issues remain.

The BLM has worked with the Pechanga Band of Luiseno Mission Indians over the past several years concerning their interest in acquiring these two parcels of land to add to their reservation. Both parcels are covered by BLM's 1994 South Coast Resource Management Plan (RMP), which does not identify the parcels for disposal. The Department understands that the Tribe has passed a Tribal resolution committing the Tribe to conserving the parcels' cultural and wildlife values. In addition, on November 11,

2005, the Tribe entered into a Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service and the BLM, which states that the Tribe will manage the lands for conservation purposes. Recognizing the Tribe's interest in obtaining the land for cultural and conservation purposes, the BLM today would be supportive of amending its land use plan to enable the transfer to proceed. However, that process could take several years to complete and the Tribe has sought this legislation to obtain the parcels more quickly through the legislative process.

The first parcel is 19.83 acres and contains significant cultural properties, including burials, of high importance to the Tribe. It is an isolated public land parcel characterized by rolling coastal sage scrub and surrounded by private, generally residential, lands. In response to potential threats to the cultural resources of the parcel, the BLM instituted a Public Land Order (No. 7343) in 1998 that withdrew the entire parcel from surface entry, mining, mineral leasing, and mineral material sales. No other encumbrances, including mining claims, are known to exist on the lands. A Memorandum of Understanding between BLM and the Pechanga Tribe was initiated in 2001 which outlines cooperative management of the parcel, including preservation of its cultural resources values. The Tribe owns and maintains an adjacent parcel of land containing another portion of the Pechanga Historical Site.

The second, and much larger parcel, is 970.96 acres and is adjacent to the Tribe's reservation. These lands are included in the Western Riverside County Multi-Species Habitat Conservation Plan and the Fish and Wildlife Service (FWS) has found them to be significant for their connectivity with rivers and as a wildlife corridor. The Tribe and others were consulted on the Plan, and these wildlife values are encompassed in the Tribal resolution referenced above. This rugged parcel is characterized by a dense mix of oak woodlands, chaparral and coastal sage scrub, and slopes throughout the parcel are steep and eroded. The parcel also includes a service road right-of-way, as well as a 10-inch waterline and water tank that was granted for 30 years to the Rainbow Municipal Water District in 1983. No other encumbrances, including mining claims, are known to exist within this parcel.

Finally, H.R. 3507 requires that the land conveyed to the Pechanga be administered in accordance with the MOU referenced above between the Tribe, the U.S. Fish and Wildlife Service, and the BLM.

While the Department of the Interior supports the transfer of the lands from the BLM to the Tribe, we recommend a few technical and clarifying amendments. First, the bill requires the BLM to complete a new survey. We recommend that the lands to be transferred be surveyed "as soon as practicable," rather than within 180 days, as currently required by the bill.

Second, we recommend language be added to the bill that specifies that any improvements, appurtenances, and personal property will be transferred to the Tribe in fee at no cost and that the Department of the Interior is not responsible for any improvements, appurtenances, and personal property that may be transferred along with the lands. The Department feels this change is necessary to address concerns about the Federal government having a fiduciary obligation to repair and maintain any acquired improvements.

Third, the bill references the MOU between the Tribe and the U.S. Fish and Wildlife Service. The BLM also was a signatory of the MOU and we recommend that the measure reflect that.

Finally, the BLM recently became aware of an unauthorized power line on a small portion (12.8 acres) of the southwest edge of the larger parcel to be transferred. We understand the power line was built in 1979. We would like to work with the Subcommittee and the bill's sponsor to address this matter.

The Department has had a cooperative working relationship with the Pechanga Tribe on the proposed land transfer and supports the bill's enactment with the necessary modifications we have outlined.

Mr. Chairman, this concludes my testimony. I will be happy to answer any questions.

