

**Statement of
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Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S. 472, the Douglas County Conservation Act
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Thank you for the opportunity to present testimony on S. 472, the Douglas County Conservation Act. The bill authorizes Federal land conveyances and sales in Douglas County, Nevada, and designates approximately 12,330 acres of land managed by the Bureau of Land Management (BLM) as the Burbank Canyon Wilderness. The BLM largely supports the conveyance and conservation goals of S. 472, as it pertains to BLM-managed lands, and would welcome the opportunity to work with the sponsors and the Subcommittee on modifications to the bill.

Background

Douglas County, located in northwestern Nevada, is home to nearly 47,000 people and holds spectacular value for recreation because of its close proximity to Lake Tahoe, Topaz Lake, the Sierra Nevada Mountains, and the Pine Nut Mountains. It also boasts significant historic, cultural, and paleontological treasures.

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP Act) or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at nominal cost for important public purposes. The BLM generally supports appropriate legislative conveyances at nominal cost if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyances have reversionary clauses to enforce this requirement.

Land Conveyances & Sales (Title I)

Lake Tahoe State Park & Concessionaires (Sections 101 & 102)

The BLM defers to the U.S. Forest Service (USFS) on the provisions in the bill regarding Lake Tahoe State Park and concessionaires at Round Hill Pines and Zephyr Shoals, which affect lands administered by the USFS.

Conveyances to Douglas County (Section 103)

S. 472 directs the Secretary of the Interior and the Secretary of Agriculture to convey approximately 7,990 acres of Federal land to the county for flood control and public purposes consistent with the R&PP Act. The Secretaries would convey this land subject to valid existing rights. While the county would receive the land itself at no cost, the county would pay any administrative costs associated with the conveyance (e.g., cultural and cadastral surveys). The county would also have the option to acquire the Federal reversionary interest in these lands, and the proceeds from the conveyance of such interest would be disbursed and deposited as described in the testimony on section 104.

The BLM generally supports these conveyances, to the extent they pertain to BLM-managed land, and would like to work with the sponsors and the Subcommittee on minor and technical modifications to this provision. Specifically, we recommend that the county assume the appraisal and other administrative costs associated with acquiring the reversionary interest, consistent with the county assuming the cost of survey and other administrative costs as part of the initial conveyance. Further, we recommend that the sponsors and the Subcommittee extend the time required to convey the reversionary interest to at least 90 days to allow for sufficient time to process the conveyances. The BLM also notes that there is at least one active mining claim within the parcels identified for conveyance to Douglas County; however, conveyances under the bill would be subject to valid existing rights.

Some of the parcels identified for conveyance present resource and recreation concerns. For example, the areas proposed for conveyance contain an abandoned mine site and a pending geothermal lease nomination, as well as an equestrian staging area and an Off-Highway Vehicle (OHV) staging and riding area that receive moderate to high use throughout the year. The conveyance may also affect motorized access and an authorized project for the construction of a non-motorized trail. Finally, some of these conveyances may reduce the acres of BLM-managed lands within the Buckeye Grazing Allotment, which may require the BLM to reduce the Animal Unit Months (AUMs) permitted for the allotment. In order to address these issues, we would like to work with the sponsors and the Subcommittee on boundary modifications or developing additional language for the bill.

Additionally, portions of some of the parcels identified for conveyance are within the Ruhstroth Paleontological Area, which contains paleontological resources protected under Federal law and has been proposed as an Area of Critical Environmental Concern (ACEC) in the Carson City District Draft Resource Management Plan (RMP). The BLM does not support conveyance of this paleontological site.

Federal Land Sales (Section 104)

The bill also authorizes the sale of up to 10,616 acres of Federal land through a competitive bidding process. Of these lands, approximately 616 acres have already been identified on the legislative map, of which approximately one-half is managed by the USFS, and the other half is managed by the BLM. The remainder is comprised of no more than 10,000 unspecified acres of BLM land that has been or will be identified as potentially suitable for disposal in the Carson City Consolidated RMP, or in any subsequent RMP amendments for the planning area. The additional lands for sale would be selected jointly by the Secretary of the Interior and the county to be offered to qualified bidders within one year of enactment. The bill also directs that before any of the unidentified lands are offered for sale, the state or county may elect to obtain them for public purposes in accordance with the R&PP Act. In that event, the Secretary of the Interior would retain the elected lands for conveyance to the state or county.

Under the bill, five percent of the proceeds from the sales of land and Federal reversionary interests would be disbursed to the state for general education programs. Ten percent would be disbursed to the county to implement the county Open Space and Agricultural Implementation Plan. The remaining 85 percent would be deposited into a special U.S. Treasury account, which

would be available to the Secretaries of the Interior and Agriculture to: (1) reimburse costs of the BLM and USFS incurred in preparation of land sales (e.g. the costs of surveys and appraisals and the costs of compliance with the National Environmental Policy Act and the Federal Land Policy and Management Act); (2) reimburse costs incurred by the BLM and USFS in preparing for and carrying out the transfers of land to be held in trust by the United States for the Washoe Tribe of Nevada and California; and (3) to acquire environmentally sensitive land in the County, consistent with the Douglas County Open Space and Agricultural Lands Preservation Implementation plan or any subsequent amendment.

Finally, the bill amends the Southern Nevada Public Land Management Act (SNPLMA) to permit Douglas County to use proceeds from SNPLMA land sales to acquire land for parks, trails, or natural areas and for conservation initiatives within the Carson River watershed, within the Walker River watershed, or for the conservation of sage-grouse habitat.

The BLM does not object to this land sale authority or amendment to SNPLMA, but would like the opportunity to work with the sponsors and Subcommittee on amendments, including minor and technical modifications, fund management for the special account, and language to ensure appraisals are conducted according to uniform appraisal standards and practices. In addition, the BLM notes that a portion of the parcels are adjacent to Hot Springs Mountain, which is culturally important to the Washoe Tribe of Nevada and California.

Tribal Cultural Resources (Title II)

S. 472 (Section 201) also directs the Secretary of the Interior to take into trust approximately 1,016 acres of Federal land for the benefit of the Washoe Tribe of Nevada and California, subject to valid existing rights. The Secretary would be required to complete a survey to establish the boundaries of this land within 180 days of enactment. The Secretary would also be authorized to carry out fuel reduction and other landscape restoration, in consultation and coordination with the Tribe. The BLM supports this provision.

The BLM defers to the USFS on the Cooperative Management Area provision (Section 202), which affects lands administered by the USFS.

Designation of Burbank Canyons Wilderness (Title III)

Finally, the bill designates approximately 12,330 acres of BLM-managed land as the Burbank Canyons Wilderness and releases approximately 1,065 acres of the Burbank Canyons Wilderness Study Area (WSA) from further study. The Burbank Canyons area is comprised of rugged canyons set in the Pine Nut Mountains. Riparian areas provide important habitat for wildlife, and steep, rugged ridges contribute to the area's scenic beauty and the recreational experiences available to hikers, horseback riders, and hunters. The BLM supports the designation of the Burbank Canyons Wilderness and the release of the remaining portion of the WSA, but would like to work with the sponsors and Subcommittee to refine some of the language in the bill. The Department recommends the use of standard language for both the designation of the wilderness and the release of the Wilderness Study Area. The BLM also recommends clarifying language related to technical issues, facilities outside the wilderness boundary, and the protection of existing uses compatible with or outside the wilderness designation.

Transfer of Administrative Jurisdiction Over Forest Service Land (Title IV)

The BLM defers to the USFS on the transfer of administrative jurisdiction over USFS land to the state or county.

Conclusion

Thank you again for the opportunity to testify on S. 472, the Douglas County Conservation Act. We appreciate the sponsors' work on this legislation, and we look forward to working with the sponsors and the Subcommittee to meet the needs of Douglas County.