

**Statement of  
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Bureau of Land Management, Department of the Interior  
House Natural Resources Committee  
Subcommittee on Federal Lands  
H.R. 1815, Eastern Nevada Land Implementation Improvement Act  
November 4, 2015**

Thank you for the opportunity to present the views of the Department of the Interior on H.R. 1815, the Eastern Nevada Land Implementation Improvement Act. H.R. 1815 authorizes funding for the development and implementation of multi-jurisdictional hazardous fuels reduction projects and wildfire prevention planning (particularly for pinyon and juniper dominated landscapes) and other habitat enhancement projects through the Lincoln County Land Act of 2000 (LCLA) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA). H.R. 1815 also adjusts the boundaries of several wilderness areas on land managed by the U.S. Forest Service (USFS) and authorizes funding for the development and implementation of a fish and wildlife species conservation plan for the Virgin River in Clark County, Nevada, through the Southern Nevada Public Land Management Act of 1998 (SNPLMA).

The Bureau of Land Management (BLM) appreciates the positive impacts LCLA and LCCRDA have had on land management in Lincoln County. The BLM supports many of the goals of H.R. 1815, and we look forward to working with the bill's sponsor and the Subcommittee on the concerns discussed below and on the continued implementation of LCLA and LCCRDA. The BLM defers to the USFS on provisions exclusively affecting land managed by the USFS.

**Background**

The Lincoln County Land Act of 2000 (LCLA, P.L. 106-298) provides for the disposal of 13,500 acres of public land in Lincoln County, Nevada, with the proceeds paid to the State of Nevada (5%), Lincoln County (10%) and a special account in the U.S. Treasury (85%). Under the LCLA, the Secretary of the Interior can expend revenue held in the special account on archaeological resources activities; development of a Multi-Species Habitat Conservation Plan (MSHCP) in the County; acquisition of environmentally sensitive lands; and reimbursement of costs associated with land sales preparation and processing public land use authorizations as well as rights-of-way stemming from the development of the conveyed lands.

The Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA, P.L. 108-424) provides for the disposal of up to 90,000 acres of public land in Lincoln County, Nevada, with the proceeds paid to the State of Nevada (5%), Lincoln County (10%) and a special account in the U.S. Treasury (85%). Under the LCCRDA, the Secretary of the Interior can expend revenue from the special account on archeological resources activities; reimbursement of costs associated with preparing land sales; development and implementation of the Lincoln County MSHCP; processing and implementing the Silver State Off-Highway Vehicle (OHV) Trail management plan; and costs related to enforcement of designated wilderness areas.

The land sales authorized by the LCLA were completed in 2005 and grossed over \$47 million. About \$30 million currently remains in the LCLA Federal special account. The initial land sale under the LCCRDA took place in 2014, and direct land sales and fair market payments for right-of-way relinquishment under this Act have grossed over \$7 million to date. The current LCCRDA Federal special account balance is approximately \$6.5 million. To guide the expenditures over the next 10 years and ensure the long-term stability of the program, the BLM, in consultation with the County, developed the “Lincoln County Business Plan” in January 2013, which identifies the priorities for the LCLA and LCCRDA Federal special accounts. To date, the BLM has used the funds to acquire sensitive lands for conservation, to complete development of the MSHCP, and to finalize management plans for wilderness areas and the Silver State OHV trail. The BLM has also undertaken archeological inventories on over 50,000 acres with the funding. Additional land sales under the LCCRDA have been identified for 2016 and 2017, in coordination with the County. These Acts have been instrumental in providing valuable resources for both Lincoln County and the BLM.

### **H.R. 1815**

#### ***Facilitation of Pinyon-Juniper Related Projects (Section 2)***

H.R. 1815 amends the Lincoln County Land Act of 2000 (LCLA) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA) to allow funding from the Federal special accounts for those Acts to be used for hazardous fuels reduction projects and wildfire prevention planning (particularly in pinyon and juniper dominated landscapes) and other habitat enhancement projects. H.R. 1815 will allow LCLA funding to be used for implementation of the Lincoln County MSHCP. The bill would waive cost-recovery fees for processing of Lincoln County local or regional government right-of-way applications and allow the County to use proceeds of the Acts for the Lincoln County Regional Development Authority. Under the bill, the Secretary would be required to establish cooperative agreements for law enforcement and planning activities for wilderness, cultural resources management, and land disposal and related land-use authorizations under the Acts, as well as for the Silver State OHV Trail designated by the LCCRDA. Finally, the bill amends the land withdrawal in the LCCRDA for a utility corridor.

The BLM shares the sponsor’s strong interest in developing and implementing hazardous fuels reduction projects and wildfire prevention planning and other habitat enhancement projects. In particular, the BLM supports the sponsor’s goal of treating rangelands that are seeing incredible rates of encroachment from pinyon and juniper trees. The BLM’s Ely District Resource Management Plan identifies treatment for more than 700,000 acres of pinyon and juniper woodlands – projects that could improve habitat for the Greater Sage-Grouse and other sagebrush dependent wildlife species, provide opportunities to establish native vegetation, and reduce the risks of resource damage from catastrophic wildfires. However, these projects should be planned and implemented with the input and advice of wildlife biologists with particular expertise in Greater Sage-Grouse conservation. In addition, given the importance of the pinyon pine to a number of the Native American tribes in the region, we would also encourage consultation with them in areas of cultural importance prior to implementing any land treatments to remove pinyon and juniper in this area.

The BLM also encourages Congress to consider whether the LCLA and LCCRDA Federal special accounts are the appropriate mechanisms to support these projects. The LCLA and LCCRDA have been instrumental in providing for community growth while protecting public land resources. For example, funding under LCLA and LCCRDA has supported the identification and recording of oral histories and place making practices of Numic-speaking peoples at sites in the Mormon Mountains; the archaeological inventory of 33,000 acres within the Mount Irish, Pahroc Rock Art, and Shooting Gallery Areas of Critical Environmental Concern (ACEC); and the survey and conditions assessment of 10 locations with Rock Art Habitation Sites.

The BLM acknowledges the careful consideration of the Congress, in close coordination with local governments and stakeholders, in establishing the current uses of the LCLA and LCCRDA funding. The BLM has worked closely with the County to prioritize implementation of the provisions of the Acts, and the Lincoln County Business Plan carefully lays out these funding priorities over the next 10 years. Longer-term funding also is envisioned for continued implementation of conservation projects, protection of archaeological resources, and support for future land sales to provide for the County's economic growth.

The BLM works closely with the County on projects related to these Acts and has existing authorities to utilize cooperative agreements under the Federal Land Policy and Management Act (FLPMA) similar to the provisions (Sec. 2[a]) in H.R. 1815 requiring cooperative agreements for law enforcement and planning. The BLM opposes these redundant authorities. The BLM also opposes the waiver of cost recovery and right-of-way processing fees provisions (Sec. 2[a]). Under FLPMA and the BLM's Regulations (43 CFR Subpart 2805), project proponents pay for costs associated with processing right-of-way applications; these waiver of fee provisions could set an unfavorable precedent and have unintended budgetary impacts. Finally, the BLM supports the provision (Sec. 2[c]) of the bill, amending the withdrawn lands, and we appreciate the sponsor's work to address concerns raised by the BLM on bills with similar goals to ensure that the entirety of the unused land is released from the corridor withdrawal.

### ***Wilderness Boundary Adjustments (Section 3)***

The BLM defers to the U.S. Forest Service on the bill's proposed adjustments to the boundaries of the Forest Service-managed Mt. Moriah, High Schells, and Arc Dome Wildernesses.

### ***Implementation of Conservation Plan for Virgin River (Section 4)***

H.R. 1815 (Section 4) would permit the U.S. Fish and Wildlife Service (FWS) to utilize identified funding managed under SNPLMA to implement, as well as develop, a conservation plan for fish and wildlife species associated with the Virgin River in Clark County, Nevada. The FWS has been working cooperatively with the BLM in the development of the habitat conservation plan for the Virgin River.

### **Conclusion**

The BLM looks forward to working with the sponsor and the Subcommittee to further the various land management goals in Lincoln County. Thank you for the opportunity to testify on these important issues. I would be happy to answer any questions.