

**Statement of  
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Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, & Mining  
S. 173, Colorado Outdoor Recreation and Economy Act  
June 16, 2021**

Thank you for the opportunity to testify on S. 173, the Colorado Outdoor Recreation and Economy Act, which provides direction for the future management of certain Federal lands in southwestern Colorado. S. 173 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 50,700 acres; directs the transfer of certain lands currently managed by the BLM and Bureau of Reclamation (BOR) 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 one new recreation area comprising approximately 17,000 acres; two new wildlife conservation areas comprising approximately 11,700 acres; two new special management areas comprising approximately 22,500 acres; and creates or expands seven wilderness areas encompassing approximately 55,900 acres on lands managed by the U.S. Forest Service (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. 173 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.

## **Background**

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 a natural gas storage unit, 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 BOR 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.

## **S. 173**

### ***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 the BOR 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. 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 the BOR, 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 the BOR 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. 173 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 the BOR to the NPS within one year of the enactment of the bill, while allowing the BOR 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 BOR within one year of enactment. Additionally, the bill transfers approximately 2,560 acres of USFS land and approximately 5,040 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 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 the BOR 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.

### **Conclusion**

The Department supports this legislation, which furthers the Administration's goals of restoring balance to the management of our public lands and waters, creating jobs, and increasing recreational opportunities. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process.

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**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 177, Cerro de la Olla Wilderness Establishment Act  
June 16, 2021**

Thank you for the opportunity to testify on S. 177, the Cerro de la Olla Wilderness Establishment Act. The bill designates approximately 13,000 acres within the Río Grande del Norte National Monument in New Mexico as the Cerro de la Olla Wilderness.

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 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. The President's America the Beautiful initiative specifically emphasizes the value of conserving the nation's natural resources, recognizing multiple uses of our lands and waters, including its working lands, can be consistent with the long-term health and sustainability of natural systems. S. 177 aligns with the Administration's conservation goals and the Bureau of Land Management (BLM) supports the bill.

**Background**

The Río Grande del Norte National Monument lies north of Taos on the border with Colorado, and straddles New Mexico's Taos and Rio Arriba Counties. The area is comprised of rugged, wide open plains at an average elevation of 7,000 feet, dotted by volcanic cones and cut by steep canyons with rivers tucked away in their depths. The Cerro de la Olla volcanic cone provides a visible reminder of the area's volatile past, while wildlife species – including deer, elk, and pronghorn antelope – bring both hunters and wildlife watchers to the area. These lands benefit the public by providing recreational opportunities, such as whitewater rafting, fishing, hiking, and camping. Further, the land supports grazing and traditional collection of firewood and piñon nuts.

**S. 177**

S. 177 would designate approximately 13,000 acres of land administered by the BLM as the Cerro de la Olla Wilderness within the Río Grande del Norte National Monument. Wilderness designation would afford these lands the highest level of protection while continuing to provide recreational opportunities as well as allow for certain traditional uses. The BLM appreciates the efforts of the sponsor to support community access for firewood collection and grazing by excluding certain lands from the proposed wilderness designation. The BLM would like to continue working with the sponsor to ensure the local community can responsibly continue traditional uses of these public lands.

Additionally, the proposed designation overlaps a significant portion of the reserve common grazing allotment the BLM has set aside for the temporary use of permittees displaced due to wildfire, vegetation treatment, drought and other issues. Grazing can be a compatible use within wilderness and there is a history of legislation incorporating guidance for accommodating grazing within wilderness designations, such as the Congressional Grazing Guidelines (outlined in H. Rept. 96-1126 and H. Rept. 101-405). The BLM recommends the addition of language addressing the unique circumstances of the reserve common grazing allotment.

The Administration supports collaborative conservation in all land use planning efforts, including monuments, and BLM looks forward to working with the local community and stakeholders as the Committee considers the bill's boundary modifications to the Monument.

### **Conclusion**

Wilderness is a key component of conservation. The Biden Administration recognizes wilderness is a fundamentally important part of the American landscape, not only for practical and scientific values, but also for the beauty, majesty, and solitude it provides. For example, wilderness generates significant economic benefits to local communities by providing recreational opportunities while simultaneously supporting ecosystem health and biodiversity. The BLM supports S. 177 and we would welcome the opportunity to work with the sponsor and the Subcommittee on minor modifications.

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**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
S. 182, Pecos Watershed Protection Act**

**June 16, 2021**

Thank you for the opportunity to testify on S. 182, the Pecos Watershed Protection Act, which would withdraw approximately 166,600 acres of Federal land located near Pecos, New Mexico, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

The lands proposed for withdrawal include approximately 165,000 acres managed by the U.S. Forest Service (USFS) and 1,600 acres managed by the Bureau of Land Management (BLM). While the BLM manages the subsurface Federal mineral estate, it defers to surface management agencies regarding potential development activities on Federal lands not managed by the BLM.

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 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. The Executive Order also commits to ensuring that economic and environmental justice are key considerations in how we govern. S. 182 aligns with the Administration's conservation and environmental justice goals and the BLM supports the bill.

**Background – Upper Pecos Watershed**

The Pecos River in northern New Mexico originates in the Santa Fe National Forest's Pecos Wilderness within the Sangre de Cristo Mountains. The river flows through a series of reservoirs and dams for over 926 miles before becoming part of the Rio Grande in Texas. In 1990, over 20 miles of the Pecos River were designated for protection under the Wild and Scenic River Act from its headwaters to the confluence with Holy Ghost Creek.

The lands proposed for withdrawal under S. 182 surround the Village of Pecos, New Mexico, and are within and adjacent to the Santa Fe National Forest. Approximately 1,600 acres of BLM-managed lands within the proposed withdrawal area are managed as multiple use and are not identified for disposal, as per the BLM's Taos Resource Management Plan. The BLM parcels included in the bill consist of upland areas containing juniper, piñon, and Gambel oak. These areas are considered critical summer range for big game species such as elk. The area offers



abundant recreational activities, including hunting, fishing, camping, hiking, and off-highway vehicle use, and includes three active grazing allotments. There are no active or pending mining claims on the BLM-managed lands. There is active mineral exploration on mining claims on approximately 3,300 acres within the entire withdrawal area, of which approximately 1,500 have been located since 1979.

Various local stakeholders have worked together to take an active role in restoring the Upper Pecos Watershed. In April 2020, a broad coalition of stakeholders, including the New Mexico Acequia Association, San Miguel County, the Village of Pecos, the Upper Pecos Watershed Association, and local farmers submitted a petition to designate the Pecos River and its tributaries in the Upper Pecos Watershed as Outstanding National Resource Waters (ONRWs) under the Federal Clean Water Act. This designation would provide the highest level of protection against degradation that can be afforded for surface waters under the State of New Mexico's water quality standards, while allowing traditional agricultural uses.

### **S. 182**

S. 182 would withdraw, subject to valid existing rights, approximately 165,000 acres of USFS-managed lands and approximately 1,600 acres of BLM-managed lands from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. While the BLM notes S.182 would withdraw known mineral resources, we understand the value of safeguarding the Pecos Watershed for present and future generations and addressing historic environmental and economic injustices.

### **Conclusion**

The BLM appreciates the interest of the sponsor and the Subcommittee in advancing this important conservation initiative. This legislation will protect the Pecos watershed's irreplaceable values and supports the President's efforts to conserve our nation's lands and waters. Thank you again for the opportunity to provide testimony on S. 182.

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**Senate Energy and Natural Resources  
Subcommittee on Public Lands, Forests and Mining  
S. 567, Southern Nevada Economic Development and Conservation Act**

**June 16, 2021**

Thank you for the opportunity to testify on S. 567, the Southern Nevada Economic Development and Conservation Act. The bill designates as wilderness over 1.5 million acres of land managed by the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS); creates over 350,000 acres of new Special Management Areas (SMAs) on BLM-managed lands; and designates approximately 122,000 acres of BLM-managed lands as new Off-Highway Vehicle Recreation Areas. S. 567 also directs over 41,000 acres of land managed by the BLM and Bureau of Reclamation (BOR) to be held in trust for the benefit of the Moapa Band of Paiutes; authorizes public lands conveyances in Clark County; and makes several amendments to the Southern Nevada Public Land Management Act.

The Department of the Interior (Department) supports the goals of the bill as they align with important Administration priorities. President Biden highlighted the importance of conservation in his America the Beautiful Initiative, and the bill's wilderness designations support that effort. We also support the bill's provisions which align with priorities of the Secretary of the Interior (Secretary) to build healthy communities and economies and provide safe and equitable access to outdoor recreation opportunities for all Americans. The Department continues to work to facilitate and improve access to public lands for tribes and underserved communities. We are also working to improve public health, safety, and climate resiliency, while conserving the public lands for future generations. We would welcome the opportunity to work with the sponsor and the Subcommittee on certain modifications to the bill, including creating new legislative maps for the various designations and conveyances authorized in the bill.

**Background**

Clark County, located in southern Nevada, is home to over 2.2 million people. The county is also home to iconic BLM recreation and conservation areas, such as Red Rock Canyon National Conservation Area, Sloan Canyon National Conservation Area, and the Gold Butte National Monument. It boasts 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.

### ***Public Land Sales & Exchanges***

In 1976, with passage of the Federal Land Policy and Management Act (FLPMA), Congress directed the BLM to retain management of most public lands, which reduced the acreage that had been available for disposal in prior years. Under FLPMA, the BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. FLPMA also provides the BLM with a clear multiple-use and sustained yield mandate that the agency implements through its land use planning process.

The sale of certain public lands is authorized under Section 203 of FLPMA, when these sales are in the public interest and consistent with publicly approved land use plans. Land sales conducted under FLPMA occur at the discretion of the Secretary and are made at fair market value in accordance with Federal law. Under current BLM policy, sales are generally conducted under competitive bidding procedures to ensure fair return. In such cases, sales are widely advertised through public notices, media announcements, and on appropriate BLM websites.

The Southern Nevada Public Land Management Act (SNPLMA) was enacted in 1998 and authorized the sale of BLM-managed lands within a congressionally designated boundary in the Las Vegas Valley. Funds generated from the sale of public lands may be used for public purposes such as parks, trails, and natural areas; hazardous fuel reduction, capital improvements, conservation initiatives; and for the purchase of environmentally sensitive lands. The BLM uses the funds generated through SNPLMA to work with local community partners on projects that enhance access to public lands and to protect and maintain resilient landscapes and ecosystems.

### ***Public Purpose Conveyances***

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 (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. As a matter of policy, the BLM generally supports these legislative conveyances at nominal cost if the lands are appropriate for disposal, will be used for public purposes consistent with the R&PP Act, and if the conveyances include reversionary clauses to enforce this requirement.

## **S. 567**

### ***Title I – Moapa Valley Tribal Empowerment and Economic Development***

Title I of S. 567 directs over 41,000 acres of Federal land (approximately 650 acres of BOR and 40,400 acres of BLM-managed land) to be held in trust for the benefit of the Moapa Band of Paiutes. This title requires the Secretary to complete all surveys for the transfer within 60 days of enactment. Additionally, the bill, requires the Secretary to hold in trust approximately 200 acres of fee land and directs the Secretary to complete the surveys for the fee land within 180 days of enactment.

Taking land into trust is one of the most important functions the Department undertakes on behalf of Indian tribes. These lands can be essential to their health, safety, cultural heritage, and economic opportunity. This Administration has made strengthening the nation-to-nation

relationship with Tribal Nations a top priority and we support holding these lands in trust for the Moapa Band of Paiutes. We would like to work with the sponsor on boundary modifications to remedy potential land use conflicts. For example, a portion of the lands selected to be held in trust with the tribe are important as desert tortoise migration habitat that was set aside as a mitigation measure to allow for renewable energy development in southern Nevada. The BLM would also like to work with the sponsor to ensure the BLM has adequate time to conduct the boundary surveys.

### ***Title II – Clark County, Nevada***

Sections 201 and 202 of S. 567 amend the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282) to increase the size of the Red Rock Canyon National Conservation Area by approximately 51,000 acres. These sections also allow for the use of fees for the public parks designated under PL 107-282. Section 203 makes a minor boundary adjustment to the Rainbow Gardens Area of Critical Environmental Concern (ACEC), which reduces the area of the ACEC by approximately 390 acres. The BLM supports the inclusion of additional lands into the Red Rock Canyon National Conservation Area and modifying the Rainbow Gardens ACEC. The BLM would also like to work with the sponsor to ensure that the management of the public parks conveyed through the R&PP Act remain consistent with the Act.

Section 204 amends SNPLMA to allow for the movement of sand and gravel resources in the acquired public lands by the private surface owners to recontour or balance the surface estate and dispose of sand and gravel at off-site landfills. This section makes available an additional 31,000 acres of BLM-managed land that will be set aside for disposal under SNPLMA. Also authorized in this section are public purpose conveyances that were originally conveyed under the R&PP Act. These patents or leases would now be eligible for conveyance to the requesting governmental entity by quitclaim deed. These conveyances include a reversionary interest that reverts the land back to the Department if they are no longer used for public purposes.

The BLM understands the sponsor's goal to make public land available for acquisition to facilitate the growth of local communities that are surrounded by Federal lands. The BLM notes that these parcels are home to many protected and important species, such as the desert tortoise and the rare white-margined penstemon, a Mohave Desert perennial herb species that is currently managed for conservation under the Clark County Multiple Species Habitat Conservation Plan (MSHCP). The BLM would like to work with the sponsor on modifications to this section as it relates to the conveyance of R&PP Act patents or leases as we do not believe a quitclaim deed is the appropriate mechanism to accomplish the sponsor's goals. Also, the BLM would like to work with the sponsor on clarifying the bill's provisions concerning the lands intended to be conveyed, as the current language may unintentionally convey U.S. Forest Service lands as well.

Section 205 designates approximately 350,000 acres of BLM-managed lands in nine new SMAs to provide for the conservation and recovery of native species and habitats. Under the bill, the BLM-managed lands are withdrawn, subject to valid existing rights, from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials. The bill also requires the Department to coordinate with the county on the development and implementation of management plans for the SMAs within one year. In addition, the bill revokes the existing Ivanpah ACEC. The BLM has concerns that removing the

Ivanpah ACEC could negatively impact desert tortoise and certain rare plant habitat covered by the Clark County MSHCP. The BLM would like to continue to work with the sponsor on additional mitigation measures to ensure the purposes of these SMAs are met. We would also like to work with the sponsor to clarify language describing the cooperative management agreement with the County.

Section 206 requires the Department to credit the approximately 350,000 acres of BLM-managed lands designated as SMAs in the bill as a mitigation measure under the MSHCP for the increased development on public lands within Clark County, Nevada. Section 207 renames the Frenchman Mountain as the Maude Frazier Mountain. The BLM does not object to these provisions and looks forward to continuing to work with the sponsor on making minor technical changes.

Section 208 amends SNPLMA to allow the funds generated through SNPLMA land sales to be expended on capital improvement projects within the Tule Springs Fossil Bed National Monument and allows for the special account to be expended on sustainability and climate initiatives. The NPS is supportive of this amendment which would benefit Tule Springs Fossil Beds National Monument and would put the park on equal footing with all other Federal public lands within the area that are covered by SNPLMA.

### ***Title III – Wilderness***

Title III designates over 1.5 million acres of new wilderness areas on BLM, FWS and NPS-managed lands. This title would amend the Clark County Conservation of Public Land and Natural Resources Act (P.L. 107-282) by adding approximately 140,000 acres of BLM-managed land to the following wilderness areas: Bridge Canyon Wilderness, Eldorado Wilderness, Ireteba Peaks Wilderness, Muddy Mountain Wilderness, Nellis Wash Wilderness, South McCullough Wilderness, and Spirit Mountain Wilderness. This title would also create five new wilderness areas on over 110,000 acres of BLM-managed lands: Mount Stirling Wilderness, New York Mountains Wilderness, Piute Mountains Wilderness, and Lucy Gray Wilderness. Additionally, Title III creates the Las Vegas Range Wilderness which includes both BLM and FWS-managed lands.

The BLM generally supports these designations and would like to work with the sponsor on boundary modifications to ensure continued access to existing telecommunication sites. We note that the existing map depicting the Mount Sterling Wilderness appears to include Forest Service land, but we understand it is not the intention of the bill sponsor to include the Forest Service lands. If the sponsor intends to not designate Forest Service land, then the map would need to be clarified, and the BLM can assist with creating a new legislative map. Additionally, the BLM would like to work with the sponsor and the Subcommittee to ensure the use of standard wilderness designation language. We also recommend working to clarify the bill's provisions related to technical issues, and to ensure the protection of existing uses.

### **FWS Wilderness Designations**

Title III designates approximately 1.3 million acres of Wilderness within the Desert National Wildlife Refuge (Desert NWR) in Southern Nevada to be added to the National Wilderness Preservation System and managed under the Wilderness Act (16 U.S.C. 1131 et seq.). The areas

delineated by S.567 for Congressional Wilderness designation lay within areas that have been proposed by previous Administrations as suitable for Wilderness designation based on their unspoiled and unique desert wilderness values and the ecosystems which they support, and have been managed for their wilderness values since 1974.

Encompassing six major mountain ranges and seven distinct life zones, Desert NWR showcases the abundance and variety of plants and animals that occur in Southern Nevada, all just a short drive from Las Vegas. Created in 1936 to provide habitat and protection for desert bighorn sheep, the 1.6 million acre Desert NWR is the largest wildlife refuge outside of Alaska. Teeming with diversity over a vast landscape, Desert NWR provides habitat for over 500 plant, 320 bird, 52 mammal, and 35 reptile species as it transitions from the Mojave to the Great Basin Desert. While Desert NWR has been home to people for thousands of years, from Nuwu/Nuwuvi (Southern Paiute/Chemehuevi) to ranch homesteaders, the refuge remains largely unchanged by human hands.

The Department supports the Section 301 Congressional Wilderness designations within Desert NWR and appreciates the opportunity to work with the sponsor and the committee. We would like to continue to work with the sponsor to ensure that minimal and appropriate “guzzler” maintenance to enhance water availability for desert bighorn sheep and other wildlife remains possible in a manner that will be consistent with the Wilderness Act. We also recommend that representatives from Nuwu/Nuwuvi Tribes be consulted in the final determination of the names for the designated wilderness areas within Desert NWR.

### **NPS Wilderness Designations**

Title III designates roughly 92,000 acres of new wilderness on NPS-managed lands in six new wilderness areas: Overton Wilderness, Twin Springs Wilderness, Scanlon Wash Wilderness, Hiller Mountains Wilderness, Hell’s Kitchen Wilderness, and the South Million Hills Wilderness. The NPS generally supports the additions but would like to work with the committee to update the maps of the proposed areas, as some conditions may have changed since a preliminary study for the proposed wilderness was completed in 1979.

### ***Title IV – Local Government Conveyances***

Title IV directs the Secretary to make several small conveyances of BLM-managed lands to cities within Clark County, Nevada, upon request. These conveyances are to be used for important public purposes and include a reversionary clause requiring that the lands be used for their intended public purposes or they will revert to the Department. These conveyances include 250 acres for the City of Mesquite for the protection of the Virgin River Watershed; 16 acres for the Mount Charleston Public Safety complex; 1.5 acres for the Lee Canyon Fire Station; 123 acres for public training facilities; 121 acres for the Moapa Valley Water district; and 10 acres for the North Las Vegas Fire Department Training Facility. The BLM has a history of working collaboratively with local governments to convey public lands for public purposes. We would like to work with the sponsor to clarify the purposes of the conveyances.

### ***Title V – Implementation of Lower Virgin River Watershed Plan***

Title V amends the Mesquite Lands Act of 1988 (P.L. 99-548) to allow for funds generated under this act to be expended by the City of Mesquite for the development and implementation

of a watershed plan for the Lower Virgin River. (The Department does not have an interest in this Title.)

***Title VI – Southern Nevada Limited Transition Area***

Title VI amends the Omnibus Public Land Management Act of 2009 (P.L 111-11) to direct the Secretary to convey approximately 740 acres of BLM-managed lands to the city of Henderson, Nevada, for public purposes such as affordable housing. The title also directs that the land be made available for sale or conveyance from the city if no longer needed for public purposes. The BLM supports the objective of this conveyance but would like to work with the sponsor to ensure the Federal government receives fair market value for any land that leaves Federal ownership, consistent with FLPMA. We would also like to work with the sponsor to clarify the purposes of the conveyances.

***Title VII – OHV & Misc. Conveyances***

Section 701 creates four new OHV recreation areas on approximately 122,000 acres of BLM-managed lands in Clark County, Nevada. The bill establishes the Laughlin OHV Recreation Area, Logandale Trails OHV Recreation Area, Nelson Hills OHV Recreation Area, and the Sandy Valley OHV Recreation Area to preserve, protect, and enhance off-highway vehicle use, and other activities determined to be appropriate by the Secretary. This bill also requires the Department to develop a comprehensive management plan for the areas within two years. Subject to valid existing rights, section 701 withdraws over 10,000 acres of BLM-managed lands, known as the Nellis Dunes OHV Recreation area, from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials. The BLM supports increasing access to public lands for outdoor recreation but would like to work with the sponsor to resolve land use conflicts such as excluding designated desert tortoise critical habitat from OHV use. The BLM would also like to work with the sponsor to ensure language in the bill regarding motorized vehicle allowances complement the purposes of the OHV area. More specifically, the BLM recommends adding the phrase “roads, trails and areas” to replace “roads and trails” found in (e) Motorized Vehicles (1).

Section 702 directs the Secretary to convey approximately 2,500 acres of BLM-managed lands to a public water agency within Clark County, Nevada, upon request. This conveyance is for the express purpose of providing for the construction and operation of critical water infrastructure for the communities within the county. This section also includes a reversionary clause stating that if the land ceases to be used for these public purposes, it shall revert back to the Department. The BLM would like to work with the sponsor on certain technical corrections regarding the exact acreages.

Section 704 directs the Secretary to amend the 1998 Las Vegas Resource Management Plan to allow for the construction of flood control facilities in the Coyote Springs Desert Tortoise ACEC. The BLM understands the need for improved water management in southern Nevada but would like to ensure that the ACEC continues to provide important habitat for the desert tortoise.

Section 705 amends the 2015 National Defense Authorization Act (P.L. 113-291) to allow for the Nevada System of Higher Education to use lands acquired under R&PP Act designations in the state for public-private partnerships. This also allows for the Nevada System of Higher

Education to issue leases or convey Federal land that was acquired under the R&PP Act for commercial development. The BLM does not support using public lands acquired under the R&PP Act, at little or no cost to local governments, for commercial activities as that would be inconsistent with the R&PP Act.

**Conclusion**

The BLM appreciates the interest of the sponsor and the Subcommittee in these important public land management issues in Southern Nevada, and we look forward to working further with you on them. Thank you again for the opportunity to provide testimony on S. 567.



**Statement of  
Nada Wolff Culver  
Deputy Director, Policy & Programs  
Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
Legislative Hearing**

**S. 904, Modernizing Access to Our Public Land Act  
June 16, 2021**

Thank you for the opportunity to testify on S. 904, the Modernizing Access to Our Public Land Act. The bill directs the Department of the Interior (Department), the U.S. Forest Service (USFS), and the Army Corps of Engineers to jointly develop and adopt interagency compatibility standards for Federal databases for the collection and dissemination of public lands recreation data. S. 904 also requires Federal agencies to digitize geographic information system (GIS) mapping data related to recreational access and travel management and make it available to the public.

The Department supports the goals of the bill, which align with our vision to increase access to outdoor recreation opportunities for all Americans. Improving equitable access to the outdoors for all people and offering opportunities to fully enjoy our nation's public lands, including to communities that have disproportionately less access to nature, is an important priority for Secretary Haaland, and consistent with President Biden's call to action in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, to conserve, connect, and restore 30 percent of our lands and waters by 2030 for the sake of our economy, our health, and our well-being. Achieving these goals will involve working collaboratively to pursue conservation approaches that benefit local communities, improve access to recreation, and expand economic growth.

Investing in technologies to help visitors locate and safely access public lands is essential to supporting a variety of recreational activities such as hunting, fishing, mountain biking, climbing, kayaking, camping, and hiking. We believe this bill has the potential to address some long-standing challenges surrounding public access and data management and we look forward to working with the sponsor and the Committee to address a number of technical issues in the legislation.

**Background**

Federal land management agencies oversee approximately 640 million surface acres. The Bureau of Land Management (BLM) is responsible for approximately 245 million of those acres while the USFS manages another 193 million. Most other Federal land is managed by the U.S. Fish and Wildlife Service (FWS), with over 92 million acres, and the National Park Service (NPS), with approximately 80 million acres. The Bureau of Reclamation (Reclamation) and the Army Corps of Engineers also manage Federal lands that are used for recreation.

### ***Geospatial Data Management / Federal Geographic Data Committee***

The Federal Geographic Data Committee (FGDC) is an interagency committee established in 1990 that leads the development, implementation, and review of Federal policies, practices, and standards related to geospatial data. The U.S. Geological Survey serves as its Executive Secretariat. Under the Geospatial Data Act (GDA; P.L. 115-254), the FGDC undertakes its mission with the understanding that jointly developing standards across agencies promotes the interoperability of Federal data and makes it more useful to more citizens.

For example, as part of the Federal Data Strategy FY 2020 Action Plan, the FGDC and the Chief Data Officers Council will develop machine interpretable processes to better relate data kept in different databases. The Department also has agreements with the USFS to improve interagency data management. Lastly, Geoplatform, the Federal government's geospatial shared service, provides one place for national-level data to be registered and accessed by users. These ongoing efforts are improving the accessibility and usefulness of existing data assets.

Under the FGDC organizational structure, the BLM leads the FGDC Cadastral Subcommittee, which develops and implements plans to coordinate cadastral data-related activities among Federal, state, tribal, and local governments, and the private sector. The BLM publishes two key datasets through the FGDC: the Public Land Survey System (PLSS), which is a coordinate dataset based on cadastral survey information used for parcel level mapping, and the Surface Management Agency (SMA) dataset, which captures the best available Federal ownership information. Both datasets support large scale depiction of Federal ownership information and enhance our ability to depict parcel level data for many purposes, including public access.

### **S. 904**

S. 904 directs Federal land management agencies to develop interagency standards to ensure compatibility among Federal databases related to outdoor recreation. The bill requires Federal agencies to digitize geographic information system (GIS) mapping data related to recreational access and travel management and make it available to the public.

### ***Data Consolidation, Digitization, and Publication***

Most of the data attributes identified in the bill will require agencies to coordinate across many locations and levels, and some attributes are likely to change regularly or may not currently exist in a digital format. The capacities of the FGDC will help agencies meet such challenges. The BLM notes several provisions within Section 5(a) appear to overlap with the requirements of the Dingell Act, which requires the BLM to solicit input from the public and other stakeholders every two years to identify and publish a priority list of BLM parcels with high recreational values that are either inaccessible or have significantly restricted public access. The BLM is currently reviewing more than 2,000 public priority access nominations for potential inclusion on the list to be published later this year. The BLM Public Lands Access Project has already begun an internal initiative to digitize recreational access information into geospatial files and make that information available to the public by the end of FY 2022.

In 2019, the BLM also initiated an effort to consolidate and modernize the BLM land status records systems, through the development of the Mineral and Land Records System (MLRS).

The future MLRS will replace the current systems used by BLM – the Legacy Rehost 2000 (LR2000) case management system, the Alaska Land Information System (ALIS), and the older status records—such as master title plats, historical indexes, and tract books. MLRS will be a customer-centric, geospatially-enabled land information system that employs nationally standardized business practices. The new system will help ensure the quality and accuracy of land and mineral records and data while allowing land records information to be securely delivered to BLM customers and the general public.

The NPS notes there are several additional ways for the public to access the NPS Land Resources Program's geospatial data through web map services and data downloads on platforms like the NPS Integrated Resource Management Applications data store and Data.gov. The NPS provides such web-based information to the public for all park units, including the routes of roads and trails, location of campgrounds and safety information. However, digitization of all maintained routes across NPS land may not meaningfully add to the visitor experience and would be a significant and costly undertaking.

The public can access FWS data using web maps and services that include National Wildlife Refuge System Land, National Fish Hatcheries, and Wilderness Areas. Hunting and fishing opportunities, along with visitor services amenities information are shared with the public through the “Find Your Hunt” interactive web map. Public FWS data is available on Data.gov and through FWS websites.

### ***Definitions of Key Terms & Concepts***

The Department believes additional definitions of key terms and concepts would provide clarity to the bill. Specifically, “outdoor recreation data relating to Federal land” as used in Section 4 could be interpreted to mean lands that are open to certain types of recreational activities, miles of roads and trails open to motor vehicles, or information referenced expressly in Section 5 of the bill. The meaning of “regulated” or “closed” as used in Section 5(a)(5), including any temporal restrictions on “closed” (e.g., short-term closures, long-term closures, seasonal closures, etc.), if intended, would also be helpful. Further, we would like to ensure definitions are consistent with BLM’s regulations for off-road vehicles and policy guidance for travel and transportation management.

The Department also suggests that with the increased popularity of e-bikes, section (5)(a)(4)(C) be revised to read “non-motorized bicycles” to distinguish traditional bicycles from e-bikes. Sponsors should consider including e-bikes as a standalone category in section 5(a)(4) given that several bureaus within the Department recently completed efforts to modify existing regulations to better define and manage e-bikes. Moving forward, there may be roads and trails that are open to e-bikes and traditional, non-motorized bicycles but not off-road vehicles, while other roads and trails may be open to non-motorized bicycles but not e-bikes or off-road vehicles.

### ***Implementation Timeframe***

Section 4 provides only 18 months to develop interagency geospatial data and/or metadata standards, but based on past experience this effort could take 36-48 months to complete. Section 5(a) requires the Secretaries to digitize and make publicly available the GIS data within 3 years after enactment of the bill. If agencies fail to meet this deadline, the government could be open

to liability through 5 U.S.C. § 706(1) claims being brought against named agencies. The extension of timeframes in this bill would provide more reasonable and achievable deadlines.

### ***Digitization of Roads & Trails Data***

Section 5(a)(2)-(4) requires the digitization of information regarding roads and trails. The BLM uses a travel and transportation planning process to incorporate roads and trails into its transportation system, which includes determining the status and usage information identified by Section 5(a)(2)-(4). To date, the BLM has incorporated 90,000 miles of roads and trail routes into its transportation system through completion of 153 travel plans, but there are an estimated 400,000 miles of routes remaining that would need to be inventoried, evaluated, and incorporated into the transportation system. Given the sheer volume of roads and trails on BLM lands and the process required to complete each travel plan, it may not be feasible to obtain the required road and trail information within three years, let alone digitally publish it.

### ***Historic & Archaeological Resource Data***

The Department also recommends the addition of a provision to Section 5 stating the GIS data made publicly available pursuant to section 5(a) should not divulge information regarding the “location, character, and ownership” of historic resources and the “nature and location” of archaeological resources, the disclosure of which is prohibited by the National Historic Preservation Act, 54 U.S.C. § 307103, and the Archaeological Resources Protection Act, 16 U.S.C. § 470hh, respectively.

### ***Authorization of Appropriations***

Finally, Section 7 authorizes appropriations of equal amounts to the Department of the Interior and the Department of Agriculture, with a smaller amount to the Secretary of the Army to carry out the bill’s requirements.

### **Conclusion**

The Department is committed to expanding equitable access for the American people to the vast recreation opportunities on public lands and forming healthy connections between people and the outdoors, while strengthening local communities, working landscapes, and rural economies. The Department shares the sponsors’ interest in improving geospatial data to facilitate recreational access to Federal lands, and we look forward to working further with the sponsors and the Committee on these issues.

**Statement of  
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Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining**

**S. 1076, Revive Economic Growth and Reclaim Orphaned Wells Act  
June 16, 2021**

Thank you for the opportunity to testify on S. 1076, the Revive Economic Growth and Reclaim Orphaned Wells or REGROW Act. S. 1076 would require the Secretary of the Interior to establish a program to plug, remediate, and reclaim orphaned oil and gas wells and the associated surrounding lands, as well as provide funds to Tribal and state governments for these activities.

The Department of the Interior (Department) appreciates the Subcommittee's attention to this important issue and strongly supports the bill's goal to remediate the thousands of orphaned oil and gas wells on Federal and non-Federal lands. President Biden's Fiscal Year (FY) 2022 budget request includes over \$480 million to support programs that address orphaned well remediation and abandoned mine land reclamation, more than double the FY 2021 enacted discretionary level. This investment in Federal and State lands builds on the President's American Jobs Plan calling for an immediate up-front investment of \$16 billion to clean up abandoned and often hazardous sites that are contaminating the air and water and causing ongoing public health and environmental damage. This investment would also help create 250,000 good-paying jobs with a free and fair choice to join a union.

**DOI's Fossil Fuel Program Review**

The Department is currently conducting a comprehensive review of the Federal oil and gas program as called for in Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad." This review will provide the Department the opportunity to evaluate how best to ensure the Federal oil and gas program serves the public interest. For this effort, the BLM is currently engaging stakeholders and held a forum on March 25, 2021, which featured a diverse range of perspectives from participants including industry representatives, labor and environmental justice organizations, natural resource advocates, Indigenous organizations, and other experts. The risks from orphaned and idled wells, including bonding levels, were discussed at the forum.

Fossil fuels will continue to play an important role in American energy for years to come, but too often, the extraction of resources has been rushed at the expense of people, wildlife, and other uses. The oil and gas program must be managed with careful consideration of the impacts to the environment and future generations of Americans. Further, remediation and reclamation

investments can create well-paying union jobs while revitalizing communities. In order to strengthen our nation's economy and tackle the climate crisis, we must rethink how we manage energy and minerals on our public lands.

### **Federal Onshore Oil & Gas Program**

The Department manages nearly 500 million acres of surface estate nationwide. This includes 245 million acres managed by the Bureau of Land Management (BLM); 96.2 million acres managed by the U.S. Fish and Wildlife Service (FWS); 84.6 million acres managed by the National Park Service (NPS); with the remainder managed by other DOI Bureaus. The BLM also manages approximately 30 percent of the Nation's onshore minerals across 700 million subsurface acres. Of the 700 million Federal subsurface acres, approximately 57 million acres are split estate lands, where the surface estate is in private ownership and the BLM manages the subsurface. Facilitating energy development, including oil and gas, is one of the BLM's many multiple use and sustained yield stewardship responsibilities. Currently, 26 million surface acres of BLM-managed lands are under lease for oil and gas development, including over 96,000 active wells and about 24,000 producing leases.

### **Orphaned Wells on Federal & Tribal Lands**

Reclamation of oil and gas operations is an essential phase in oil and gas development as it helps to ensure that any impacts on the land and resources are not permanent and creates a foundation for community revitalization and economic diversification. The BLM requires that oil and gas site reclamation begins long before the completion of operations. In fact, the process begins before site construction and continues through the life of the lease to include associated oil and gas wells and facilities. Orphaned wells occur when an operator fails to properly plug and remediate an oil and gas well and no responsible party can be identified for cleanup activities.

The majority of orphaned wells on Federal lands are in the eastern United States, primarily on U.S. Forest Service (USFS) lands. The USFS estimates there are 11,500 orphaned wells on USFS lands. These are largely historic wells that were developed prior to current reclamation regulations and standards. The BLM currently estimates there are 84 known orphaned wells on BLM-managed lands. The NPS estimates there are approximately 374 wells on NPS-managed lands it identifies as abandoned or orphaned, and another 1,600 wells in approximately 48 NPS units which likewise may be inactive, idled, or orphaned. Most or all wells on NPS lands are associated with non-Federal subsurface mineral ownership. The FWS reports 450 orphaned wells on National Wildlife Refuge System lands, and estimates approximately 2,000 additional wells that are classified as inactive or abandoned and not plugged, most of which without identified responsible parties. The FWS estimates most orphaned wells on FWS lands are non-Federal subsurface mineral ownership. The Bureau of Indian Affairs, meanwhile, has identified 12 orphaned wells on Tribal lands.

On Federal and Tribal subsurface mineral estate, the BLM coordinates with the surface management agency when remediating orphaned wells to mitigate the potential risks those wells may pose to resources and public safety. The BLM addresses the subsurface well plugging while

the surface management agency addresses the surface reclamation. A recent Government Accountability Office report (GAO-19-615) estimated the average cleanup costs for orphaned wells to be on average between \$20,000 and \$145,000 per well.

To reduce the number of orphaned wells on public lands, the BLM put into place a comprehensive procedure for orphaned well identification and tracking as required by the Energy Policy Act of 2005 (P.L 109-58). This administrative procedure also addresses orphaned wells that are prioritized for plugging and abandonment in accordance with other applicable law. The BLM regularly reviews all nonoperational wells and takes appropriate steps to reduce the BLM's nonoperational and idled well inventory to help prevent wells from becoming orphaned. As of April 15, 2021, the BLM, in coordination with the Office of Natural Resources Revenue, has identified 7,412 wells as idled in both Federal and Indian minerals independent of surface ownership. Regular review of nonoperational wells helps reduce the Federal Government's potential liability. The BLM has been making progress in cleaning up orphaned wells on public lands, reducing the number of known orphaned wells from 146 in FY 2019 to 84 currently. Additionally, nearly 1,200 wells were plugged on BLM- managed lands in FY 2020 by operators, reducing the Federal government's potential future liabilities on public lands – and ensuring these wells could never become orphaned.

### **S. 1076, REGROW Act**

S.1076 amends the Energy Policy Act of 2005 to require the Secretary of the Interior to establish a program to plug, remediate, and reclaim orphaned oil and gas wells and surrounding land, and to provide funds to state and Tribal governments to permanently plug, remediate, and reclaim orphaned oil and gas wells and surrounding land. The bill also requires the Department to submit an annual report to Congress on the orphaned well program. S. 1076 authorizes \$4.3 billion for the state grant programs, \$250 million for the Federal program, and \$150 million for the Tribal grant program. The bill also authorizes funding to the Secretary of Energy and the Interstate Oil and Gas Compact Commission (IOGCC).

### ***Definitions***

S. 1076 outlines a number of definitions with respect to the Federal orphaned well program. The bill defines an "Idled Well" as a well that has been nonoperational for not fewer than four years and for which there is no anticipated beneficial future use. The bill also defines an "Orphaned Well," with respect to Federal and Tribal land, as a well that is not used for an authorized purpose, such as production, injection, or monitoring; and for which no operator can be located or is unable to plug the well and remediate and reclaim the well site.

The BLM appreciates the sponsors' efforts to provide clear definitions that would apply across Federal lands. The BLM supports changing the current idled well definition, which allows for seven years of nonoperational use, to the shorter four years described in the bill. However, the BLM would like to work with the sponsors to expand the orphaned well definition to include bond coverage, since it is currently not included in the bill language.

### ***Federal Orphaned Well Program***

S. 1076 directs the Department to establish a program to identify and permanently plug and remediate orphaned wells located on Federal lands administered by the agencies within the Department of the Interior within 60 days. Under the program, the Department would identify orphaned wells and associated infrastructure on Federal land and rank those wells to prioritize plugging and the distribution of funds. The Department would be required to publish the costs associated with plugging orphaned wells and seek to determine potentially liable parties associated with the wells. The Department would be required to measure and track emissions from orphaned wells and contamination of groundwater, as well as identify and address any disproportionate burden of adverse effects of orphaned wells.

Additionally, S.1076 requires the BLM to periodically review all idled wells and reduce their inventory on Federal land. The bill also directs the Department to work cooperatively with the Secretary of Agriculture, affected Indian Tribes, and each state within which Federal land is located, and consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

S. 1076 aligns with the President's goal and commitment to remediate the thousands of orphaned oil and gas wells on Federal and non-Federal lands. The BLM would like to work with the sponsors on a few modifications to help aid in the bill's implementation. For example, the Department would recommend increasing the 60-day requirement to establish the program and would like to work with the sponsors on the emissions tracking requirement. The BLM notes that tracking emissions is beyond the BLM's existing capabilities and would require establishing a new program to measure and track emissions from orphaned wells. The President has made clear his goal to reduce emissions from Federal and non-Federal sources, and we would welcome the opportunity to work with the sponsors to determine how best to structure an emissions tracking program to implement this provision. The BLM would also like to work with the sponsors to help clarify the intent of the bill's provisions requiring a review of idled wells.

### **State & Tribal Programs**

#### ***State Programs***

S. 1076 requires the Department to provide states grants to plug, remediate, and reclaim orphaned wells and associated infrastructure on state- or privately-owned lands. These grants may also be used to identify and rank orphaned wells, provide public information, and measure and track emissions or groundwater contamination and administration of the States' orphaned well program. The BLM recognizes the importance of a coordinated effort to address orphaned wells across Federal, Tribal, state, and private lands but notes that administration of this provision will require significant additional staff resources and expertise.

#### ***Tribal Orphaned Well Site Plugging, Remediation, and Restoration***

The bill requires the Department to establish a Tribal grant program administered by the Bureau of Indian Affairs that would enable qualifying Tribes to receive grants to plug, remediate, and reclaim orphaned wells and associated infrastructure on Tribal land. These grants may also be



used to identify, rank, provide public information, and administer the grant program. The Department would like to work with the bill sponsors to clarify Indian trust lands and wells to ensure that this legislation meets the intended goal for Tribes.

### **Conclusion**

Portions of our Federal lands have been neglected after years of prioritizing fossil fuel development above all other uses – ignoring the potential impacts to people, water, wildlife, climate, and the potential economic benefits of remediation. The cleanup of this past development has now been left to the taxpayer to remediate, instead of the liable party responsible. The Department strongly supports the bill’s goals to address the mounting cleanup and remediation costs of orphaned oil and gas wells across Federal, Tribal, and state lands. We look forward to continuing to work with Congress and other Federal agencies on this important issue to reduce the likelihood that future generations pay for the cleanup of orphaned wells.

**Statement of  
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Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, & Mining**

**S. 1128, University of Alaska Fiscal Foundation Act  
June 16, 2021**

Thank you for the opportunity to testify on S. 1128, the University of Alaska Fiscal Foundation Act. S. 1128 directs the Department of the Interior (Department) to establish a program within the Bureau of Land Management (BLM) to identify and convey land to the University of Alaska to support higher education. The BLM is focused on completing entitlement land conveyances in Alaska. We support the goals of S. 1128 and look forward to working with the sponsors and the Committee on technical modifications.

**Background**

While the State of Alaska is the largest state in the nation, it has the second smallest land grant – approximately 110,000 acres – for higher education. Previous attempts to provide a land grant to the University of Alaska include a reservation made by Congress in 1915 of approximately 268,000 acres of public domain in the then-Territory of Alaska for what would become the University of Alaska. In 1929, Congress provided for an additional grant of 100,000 acres of the territory to the college. Upon admission as a state in 1959, portions of the 1915 reservation of land were eliminated, and no Federal land grant for higher education was provided in the Alaska Statehood Act.

As the Secretary of the Interior's designated survey and land transfer agent, the BLM is the Federal agency responsible for adjudicating land claims, conducting and finalizing cadastral land surveys, and transferring legal title of Federal lands. The BLM's Alaska Land Transfer Program administers the transfer of lands to individual Alaska Natives under the Alaska Native Allotment Act; implements the 46 million-acre transfer to Alaska Native Corporations under the Alaska Native Claims Settlement Act of 1971 (ANCSA); and is also responsible for conveying 104.5 million acres to the State of Alaska under the Alaska Statehood Act. The BLM has completed over 90 percent of the ANCSA survey work. When the survey and conveyance work under the Alaska Native Allotment Act, the Alaska Statehood Act, and ANCSA is completed, over 150 million acres, approximately 42 percent of the land area in Alaska, will have been transferred from Federal to State and private ownership.

## **S. 1128**

### ***Conveyance Program***

S. 1128 requires the Department to establish a program within the BLM to identify and convey available State of Alaska selected lands to the University of Alaska for use in supporting the operation and maintenance of the University system. Under the bill, the State of Alaska and the University are to identify not more than 500,000 acres of available State land for inclusion in the program established by the Department and eventual conveyance to the University. Of those 500,000 acres, a maximum of 360,000 acres may be conveyed to the University. Prior to the conveyance of land, the State and the University must submit in writing to the Department the agreed upon lands to be conveyed. The total acreage of all land conveyed under this bill will be charged against the remaining entitlement of the State under the Alaska Statehood Act.

The BLM appreciates the work of the sponsor in improving and clarifying this provision since this bill was introduced last Congress. The new language offers greater clarity in how the conveyances would be structured. However, given the unique circumstances and legal requirements of this conveyance, the BLM recommends adding further clarifying language related to the survey process.

### ***Definitions***

S. 1128 outlines a number of definitions with respect to the Alaska land conveyance program. The bill defines “available State-selected land” to mean any Federal land in the State that has been selected by the State, including future selections. The Department of the Interior and the Department of Agriculture would like to work with the committee to clarify that the lands at issue comply with the Alaska Statehood Act’s limit on total lands conveyed to the State from the National Forests. The bill also defines “conservation system unit” as the meaning given in section 103 of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3102). The BLM notes that the definition for “conservation system unit” under ANILCA would only include National Forest lands within a National Monument, National Wilderness Preservation System, National Trail System Unit, or National Wild and Scenic Rivers System, and no other Forest Service lands in Alaska. We would like to work with the sponsor to clarify the sponsor’s intent as to what lands should be included under this definition.

### ***Exchange for Conservation System Unit Inholdings***

S. 1128 allows the Secretary of the Interior or of Agriculture to acquire or exchange University owned inholdings within conservation system units in the State. The BLM would like to work with the sponsor to clarify the intent of the exchange section of the bill, as well as to clarify the language relating to the appraisal process and the involved Departments. The BLM notes that the Department of the Interior and Department of Agriculture already have this exchange authority under current law. In addition, we have found that exchanges are best approached after entitlements are completed and land ownership patterns are settled. Doing so provides a greater measure of certainty regarding ownership boundaries, facilitates negotiation among the involved parties, and increases the likelihood of a successful exchange.

## **Conclusion**

The Department appreciates the goals of the legislation to convey lands to the University to further higher education opportunities in Alaska. We look forward to working further with the sponsor and the Committee on the bill.

**Statement for the Record  
U.S. Department of the Interior**

**Senate Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining**

**Legislative Hearing**

**June 16, 2021**

The Department of the Interior (Department), through the U.S. Fish and Wildlife Service, appreciates the opportunity to submit this statement for the record on S. 609, Ruby Mountains Protection Act.

**S. 609, Ruby Mountains Protection Act**

Section 3 of S. 609 would withdraw approximately 40,000 acres of the Ruby Lake National Wildlife Refuge (refuge) in northeast Nevada from all forms of operation under the mineral leasing laws, subject to valid existing rights and with exception for noncommercial refuge management activities by the U.S. Fish and Wildlife Service. The refuge is a magnet for a wide diversity of wildlife and is strategically located along bird migration corridors serving both the Pacific and Central Flyways, which makes it one of the most important waterfowl nesting areas in the Great Basin and Intermountain West. The refuge is also key habitat for mule deer, pronghorn antelope, and sage grouse, while the fishery is popular with local anglers. The Department supports the provision and would welcome the opportunity to continue working with the sponsor and the Committee. The Department defers to the U.S. Department of Agriculture regarding provisions affecting the management of lands administered by the U.S. Forest Service.

**Statement for the Record  
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, & Mining**

**S. 1008, the MORE PILT Act**

**June 16, 2021**

Thank you for the opportunity to provide a statement on S. 1008, the Making Obligation Right by Enlarging Payments In Lieu of Taxes Act or the “MORE PILT Act.”

**Payments In Lieu of Taxes (PILT)**

The Payment In Lieu of Taxes (PILT) Act (P.L. 94-565) was passed by Congress in 1976 to provide payments to local governments in counties where certain Federal lands are located within their boundaries. PILT is based on the concept that these local governments incur costs associated with maintaining infrastructure on Federal lands within their boundaries but are unable to collect taxes on these lands; thus, they need to be compensated for these losses in tax revenues. The payments are made to local governments in lieu of tax revenues and supplement other Federal land receipts shared with local governments. The Department has distributed approximately \$10.2 billion dollars in PILT payments to 49 States (all but Rhode Island), the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands since these payments began in 1977.

We know counties and other local jurisdictions rely on PILT payments to support critically important services and programs. Counties have the flexibility to use PILT payments for any governmental purpose, depending on the laws of individual States. Funds are often used to pay for essential services such as firefighting and police protection, construction of public schools and roads, and search-and-rescue operations.

The annual PILT payments to local governments are computed based on the formula contained in the law which is based on population, certain revenue-sharing payments, and the number of acres of Federal entitlement land within each county or jurisdiction. PILT payments are made in addition to other Federal payments to States, such as energy royalties and timber receipts.

Federal entitlement lands include lands within the National Forest and National Park systems, those managed by the Bureau of Land Management, those affected by U.S. Army Corps of Engineers and Bureau of Reclamation water resources development projects, and certain other Federal lands. The formula for calculating PILT payments considers the amount of certain

Federal lands payments received by the county or local jurisdiction in the preceding year. These payments result from Federal revenue generating programs (such as receipts from livestock grazing, timber harvesting and certain mineral leasing activities), which the Federal Government makes to the counties using formulas in authorizing laws such as the Mineral Leasing Act.

Prior to FY 2008, PILT was funded through discretionary appropriations, at a fraction of the full authorized payment levels under the PILT formula. From FY 2008 – FY 2012, full funding for the PILT program was provided under a mandatory authorization. Full funding was provided through one-year extensions in FY 2013 and FY 2014. In FY 2015, the program received a combination of mandatory and discretionary appropriations and in FY 2016 and FY 2017, discretionary funding was appropriated for the program.

In FY 2018 – FY 2021, the program was fully funded through a provision in the Interior Appropriations bill extending authorization of the underlying law.

The FY 2020 payments totaled \$517.0 million and were made to more than 1,900 units of local government (mostly counties) in 49 States, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands. The Department is on track to issue the FY 2021 PILT payments by June 30th, consistent with previous years.

### **S. 1008**

S. 1008, the MORE PILT Act, directs the Department of the Interior to develop a robust modeling tool, or combination of tools, to forecast and compare market value to a tax equivalent calculation of PILT payments on Federal acres within two years of enactment. The bill also requires the Department to conduct a study on PILT-eligible lands to determine market value and calculated PILT payments for the land, including a description of how PILT payments could more accurately reflect the tax equivalent amount. A preliminary report on the Department's progress toward meeting these two objectives is due one year after enactment. The MORE PILT Act asserts the Federal Government should determine PILT payments equivalent to foregone tax revenues on entitlement lands and compensate units of local government accordingly.

The funding provision in the MORE PILT Act would redirect \$9.0 million from the Land and Water Conservation Fund (LWCF) to this effort every year for six years after enactment. The amount permanently available under LWCF is generally fixed at \$900.0 million for allocation to the Department of the Interior and the U.S. Forest Service. The Department opposes the redirection of LWCF funds because it will reduce the total funds available for conservation projects and other LWCF programs.

We anticipate the tool described in the MORE PILT Act will be a challenge to develop. The Department is interested in engagement with Congress to improve the PILT program in order to better support local counties, but is concerned that the program outlined by S. 1008 will be too challenging to develop, and cannot support the bill for the reasons described in further detail below.

Successful deployment by the two-year deadline requires development of a market value calculation and a tax equivalency calculation for PILT entitlement acres. Market value and taxable value are not generally the same. The calculation of market value is a complex process driven by factors such as proposed use of the land, existing land use restrictions (like city or county zoning), location, accessibility to main transportation routes, proximity to utilities, and local economic conditions. We anticipate these calculations will be extraordinarily complex to develop.

Many of the PILT entitlement acres contain cultural resources (like the Puebloan Ancestral Cliff Dwellings), physical resources (like the Grand Canyon), and sensitive habitats (like Bear River National Wildlife Refuge, which supports more than 250 species of migrating birds) that are not typically part of the market value determination unless there is demand for them in the private market. Non-economic uses such as parks or wildlife refuges are prohibited from consideration in market value appraisals by nearly all definitions of market value. Valuation issues, to some extent, may be mitigated by the provision that units of local government may annually self-report.

Calculation of tax equivalency presents challenges as well. Taxable value of lands is variable and dynamic, and market value may have little or no connection to the value used by the assessor to levy property taxes. Determination of property taxes is a local function and varies from State to State, county to county, and within counties from taxing district to taxing district. Mill levies are determined at the local level by the revenue needs of the county and adjusted annually or biannually depending on jurisdiction. The tax equivalency portion of the model may need to consider the extent to which local jurisdictions use assessed values and property tax rates strategically, for example meeting revenue targets by adjusting tax rates and/or assessed values. Local jurisdictions can exclude certain types of property from taxation. The bill also raises the potential incentive for local jurisdictions to establish special (higher) tax rates for Federal property, if they believe that action might improve their compensation for foregone tax revenues on Federal land.

### **Conclusion**

The Department is interested in ensuring the Federal government can fulfill its role of being a good neighbor to local communities but opposes the use of LWCF funds for the purposes outlined in S. 1008. We recognize the impact of PILT payments on local governments, which use these funds for critical functions such as local search and rescue operations, road maintenance, law enforcement, schools, and emergency services. These expenditures often also support local services needed by tourists and other visitors who recreate on Federal lands. The Department will work to continue to ensure efficient and effective management of this program.



STATEMENT FOR THE RECORD U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING, CONCERNING S. 1686, A BILL TO AMEND THE WILDERESS ACT TO ALLOW LOCAL FEDERAL OFFICIALS TO DETERMINE THE MANNER IN WHICH NONMOTORIZED USES MAY BE PERMITTED IN WILDERNESS AREAS, AND FOR OTHER PURPOSES.

**JUNE 16, 2021**

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Chairman Cortez Masto, Ranking Member Lee, and members of the Committee, thank you for the opportunity to provide the Department of the Interior's views on S. 1686. The bill would amend the Wilderness Act to allow local Federal officials to determine the manner in which nonmotorized uses, including mechanical human-powered travel, may be permitted in wilderness areas.

The Department strongly opposes S. 1686. Allowing mechanical travel in designated wilderness areas would undermine the principles of the Wilderness Act, which was intended to preserve certain lands in their natural condition, protect watersheds and wildlife, and provide opportunities for outdoor recreation and scientific research. Only a small portion of the public land in the United States is designated as wilderness, with the purpose of preserving land from uses that could damage the natural condition, yet there are many opportunities across Department of the Interior managed lands to use mechanically assisted travel.

The use of mechanical travel equipment, such as bicycles, in wilderness conflicts with the stated policy of Congress in Section 2 of the Wilderness Act that sought to assure that "growing mechanization ... does not occupy and modify all areas within the United States." The mountain bike is an example of the growing mechanization that Congress could have envisioned when it enacted the Wilderness Act. In 1964, bicycles were popular but not yet designed or constructed for use on trails. Over time, bicycles have been transformed using lightweight construction materials, improved gearing and suspension, and other design and performance improvements that have made them highly functional on steep trails and challenging terrain. Similarly, game carts have evolved into lightweight, foldable, packable, single track devices capable of transport miles into the backcountry. These are but two of the human-powered devices the bill would allow into wilderness. The addition of nonmotorized, mechanical travel would exacerbate the strain on these protected lands and degrade their wilderness character over time.

Congress wisely passed the Wilderness Act to preserve some of the nation's natural treasures without impacts from motor and mechanized vehicles and equipment, as well as roads and structures. Allowing these broadened categories of human-powered travel equipment into wilderness would violate the intention of Congress when it passed the Wilderness Act and disrupt the serenity so many Americans seek when they visit these lands.

S. 1686 would also require local federal land managers to make a determination of all permissible forms of nonmotorized travel on certain routes within wilderness under the

management of the local official. If a local official does not make a determination, within two years of enactment of the bill, any form of nonmotorized travel under the management of the local official would automatically be authorized. This section would erode the purpose of the Wilderness Act, and invite inconsistent management of the wilderness system. Moreover, automatic authorization of all types of nonmotorized travel would exclude public input on such actions.

The President's America the Beautiful Initiative seeks to improve access to recreational opportunities while conserving 30% of America's lands and waters by 2030. Improved recreational access to public lands and waters – in an equitable, well-managed and sustainable manner – can broaden and deepen connections to nature and its benefits, and encourage the next generation of outdoor stewards. We would be happy to work with the bill sponsor and committee to find avenues for expanding and improving recreational opportunities that would not result in undermining the protections of the Wilderness Act.

Thank you for the opportunity to provide this statement on S. 1686.