

**Statement of
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**Senate Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 1640, Pinyon-Juniper Related Projects Implementation Act
July 30, 2014**

Thank you for the opportunity to present the views of the Department of the Interior on S. 1640, the Pinyon-Juniper Related Projects Implementation Act. S. 1640 authorizes funding for pinyon-juniper thinning and habitat enhancement projects through the Lincoln County Land Act of 2000 (LCLA) and the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA). 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 S. 1640 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.

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 a 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 \$31 million currently remains in the LCLA Federal special account. The initial land sale under the LCCRDA took place this year, and the current LCCRDA Federal special account balance is \$3.1 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 OHV trail. The BLM has also undertaken archeological inventories on over 46,000 acres with the funding. Additional lands sales under the LCCRDA have been identified for 2015 and 2016, in coordination with the County. These Acts have been instrumental in providing valuable resources for both Lincoln County and the BLM.

S. 1640

S. 1640 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 restoration projects in pinyon-juniper dominated landscapes. S. 1640 will allow LCLA funding to be used for implementation of the MSHCP. Under the bill, funds from the Acts could be used to pay for planning activities addressing proposed land-use authorizations, rights-of-way for development of conveyed land, and projects in the Dry Lake Valley North Solar Energy Zone. The bill would waive cost-recovery fees for processing of local or regional government right-of-way applications and allow the County to use proceeds of the Acts for economic development activities. 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 treating rangelands that are seeing incredible rates of encroachment from pinyon-juniper. The BLM’s Ely District Resource Management Plan identifies treatment for more than 700,000 acres of pinyon-juniper woodland – projects which could improve habitat for the Greater Sage-Grouse and other sage-brush dependent wildlife species, provide opportunities to establish native vegetation, and reduce the risks of resource damage from catastrophic wildfires. However, the BLM encourages Congress to consider whether 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. 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.

If the Congress chooses to revisit the allocations of the LCLA and LCCRDA, the BLM recommends that, to maximize consistency with ongoing efforts and existing law, the sponsor and the Committee consider language similar to that found in the White Pine County Conservation, Recreation, and Development Act of 2006 (P.L. 109-432), which amended the

uses of funding under the Southern Nevada Public Land Management Act (P.L. 105-263) to allow for pinyon-juniper management, as well as other ecosystem health actions in eastern Nevada. The BLM also would like to ensure that the agency and the County continue to collaborate on funding priorities if S. 1640 is enacted.

Additionally, the BLM currently 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 provision in S. 1640 requiring cooperative agreements for law enforcement and planning. The BLM also does not support the provision which would expand the authority under the Acts to allow for payment of costs for certain environmental reviews for proposed land use authorizations and rights-of-way to include the Dry Lake Valley North Solar Energy Zone. Under FLPMA and the BLM's Regulations (43 CFR Subpart 2805), project proponents pay for costs associated with processing right-of-way applications, and this provision could set an unfavorable precedent. Finally, the BLM supports the provision (Sec. 4) of the bill, amending the withdrawn lands, but has technical corrections to ensure that the entirety of the unused land is released from the corridor withdrawal.

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.