

**Statement of
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**Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 2809, Emery County Public Land Management Act of 2018
August 22, 2018**

Thank you for the opportunity to testify on S. 2809, the Emery County Public Land Management Act of 2018, which provides direction for the future management of Federal lands in Emery County, Utah. S. 2809 designates 10 new wilderness areas, establishes the San Rafael Swell Western Heritage and Historic Mining National Conservation Area (NCA) and the Jurassic National Monument, and designates 54 miles of Wild and Scenic Rivers. The bill also provides for a number of land conveyances, authorizes an exchange with the State of Utah's School and Institutional Trust Lands Administration (SITLA), and establishes a cooperative management area, among other provisions.

The Department of the Interior (Department) recognizes the significant work of Senator Hatch and Representative Curtis on S. 2809, and we appreciate the many improvements they have made from previous iterations of this proposal. Working with local governments and the public, they have reached consensus on challenging resource issues and management concerns in Emery County, Utah.

Secretary Zinke, through Secretarial Orders 3347, 3356, and 3366 has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor. The Department supports S. 2809, which we believe is consistent with the Secretary's priorities to improve recreation, public access, and collaborative conservation. We would welcome the opportunity to work with the sponsor and the Subcommittee to address a few issues outlined in this statement.

As a matter of policy, the Department strongly supports Congressional action to resolve issues of wilderness designation and release of wilderness study areas (WSAs) on public lands across the West, and we welcome opportunities to further those efforts. We defer to the Department of Agriculture regarding provisions in the bill concerning the lands and interests they administer.

Because of the complexity of this legislation and the importance of these issues to the Department, this statement will address each of the bill's provisions individually.

Background

Emery County, located in east central Utah, covers approximately 4,500 square miles and is home to about 11,000 people. The lands managed by the Bureau of Land Management (BLM) in this region range from rolling uplands and snow-capped peaks to free-flowing rivers and colorful red-rock canyons, which are rich in prehistoric and cultural sites. This varied terrain provides habitat for a broad array of wildlife, including mule deer, pronghorn antelope, bighorn sheep, and several sensitive bird and fish species. The public lands in Emery County provide popular destinations for outdoor enthusiasts, including off-highway vehicle users, hikers, mountain bikers, rock climbers, and hunters. Many of these public lands also provide opportunities for grazing, energy development, and other commercial activities.

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S. 2809 establishes the San Rafael Swell Western Heritage and Historic Mining NCA and the Jurassic National Monument. The bill also creates 10 new wilderness areas, releases portions of existing WSAs, and designates approximately 54 miles of Wild and Scenic Rivers. Finally, S. 2809 provides for a number of land conveyances, authorizes an exchange with the State of Utah, and establishes a cooperative management area, along with other miscellaneous provisions.

San Rafael Swell National Conservation Area (Title I)

Title I of S. 2809 establishes the approximately 336,500-acre San Rafael Swell Western Heritage and Historic Mining NCA on BLM-managed public lands. The proposed NCA would be subject to valid existing rights. The San Rafael Swell features brightly colored and wildly eroded sandstone formations, deep canyons, and giant plates of stone tilted upright through massive geologic upheaval. The fins and folds of the San Rafael Reef jut through the southeast side of the area and feature dramatic cliffs, pinnacles, the knobs of Goblin Valley, and twisted canyons. As a result, this area provides significant opportunities for hiking, biking, off-highway vehicle recreation, horseback riding, canyoneering, and river running, among many others.

Title I of the bill also requires the Secretary, through the BLM, to develop a Resource Management Plan (RMP) for the NCA within three years of enactment. Specifically, the bill requires that the RMP describe the appropriate uses of the NCA, be developed with extensive public input, and take into consideration any information developed in studies of the land within the NCA. The Department values and appreciates working closely with partners and looks forward to continuing to work with local government agencies and organizations on the management of the NCA.

Finally, Title I of the bill establishes an advisory council to assist the BLM with the preparation of the RMP for the NCA. The Department has supported advisory councils for many NCAs and similar designations, and we believe that the local input and involvement that they provide is beneficial in the management of public lands.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a number of modifications to Title I that we believe would enhance implementation, including boundary adjustments for manageability and clarifying amendments related to maps, road construction, grazing and related infrastructure, public safety, archeological resources, water

rights, casual collection, and time frames. We would also like to work with the sponsor on language clarifying the specific purposes for which the NCA would be designated.

Wilderness & Wild and Scenic River Designations (Titles II & III)

Title II of S. 2809 would designate 10 new wilderness areas on over 529,000 acres of Federal land in Emery County. The designations are on lands managed primarily by the BLM (approximately 509,000 acres) and the U.S. Forest Service (approximately 20,000 acres). The Department notes that the BLM-managed lands proposed for wilderness designation by Title II of the bill generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in eastern Utah. Title II would also release approximately 14,800 acres of BLM-managed lands from WSA status, allowing these areas to be managed according to the existing BLM land use plans. These lands are small portions of WSAs that were not designated wilderness by this or previous legislation.

We recognize the hard work of the sponsor and other members of the Utah delegation in seeking consensus on BLM wilderness designations and WSA releases. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The WSAs included in the proposed wilderness designations have been pending final resolution by Congress since 1991. The Department, therefore, strongly supports Congress settling the status of these lands, which would provide certainty to public land users in Emery County.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a few modifications to Title II, including boundary modifications to the proposed wildernesses to improve manageability and clarifying amendments to the map language, grazing allotment review, water rights and resource facilities, existing withdrawals, casual collection, and time frames. The Department also notes that there are existing power site classification and reserve withdrawals within some of the lands proposed for wilderness designation.

Further, the Department notes that for many years Congress has referred to House Report 98–40 to clarify intent with regard to fuels management. Despite this, prior to this Administration, there has been a reluctance to use the authority in the Wilderness Act to adequately manage for wildfire. The Department recommends that the language be amended to explicitly state the types of activities that Congress envisions within this authorization to ensure clear intent with respect to active and efficient management.

Title III of the bill would designate approximately 54 miles of the Green River as wild, scenic, and recreational rivers corridors under the Wild and Scenic Rivers Act. The Department would like to work with the sponsor on technical changes, including language identifying beginning and ending points for individual river segments and enhancing manageability.

Public Land Management, Disposals, & SITLA Exchange (Title IV)

Section 402 of S. 2809 requires the Secretary to enter into an agreement under the Recreation and Public Purposes Act (R&PP Act) with the Division of Parks and Recreation of the Utah Department of Natural Resources for approximately 9,350 acres of BLM-managed lands to expand Goblin Valley State Park. Section 401 of the bill designates the Temple Mountain

Cooperative Management Area (CMA) on approximately 7,800 acres of public lands surrounding the enlarged park and the proposed Crack Canyon Wilderness, for the purpose of promoting and managing outdoor recreation and conserving the recreational and scenic resources of the area. Section 401 further authorizes the Secretary, at the State of Utah's request, to enter into a cooperative agreement whereby the CMA would be managed by the Division of Parks and Recreation of the Utah Department of Natural Resources.

The Department supports minor conveyances for the expansion or establishment of public parks in various western states. We would like the opportunity to work with the sponsor and the Subcommittee on a few modifications to the proposed Goblin Valley State Park expansion, including boundary adjustments for improved manageability and clarifying amendments regarding cultural and historic resources, potential conflicts with wild horse herd management areas, unpatented mining claims, the specific mechanism for conveyance, and consistency with the requirements of the R&PP Act.

Section 403 of S. 2809 designates approximately 2,500 acres of BLM-managed public lands as the Jurassic National Monument. The BLM currently manages a portion of this area as the Cleveland-Lloyd Dinosaur Quarry to protect and conserve its unique paleontological resources, which includes the densest concentration of Jurassic-era dinosaur bones in the world. The Department supports this designation and would welcome the opportunity to work with the sponsor on a few modifications to improve manageability, including boundary adjustments and clarifying amendments.

Section 404 of the bill would authorize the Secretary to sell public lands within Emery County that have been identified as potentially suitable for disposal in the applicable land use plan as of the date of enactment. Any proceeds from the sale of land would be deposited into a special U.S. Treasury account, which would be available to the Secretary to acquire from willing sellers any land or interests in land within the proposed wildernesses or the San Rafael Swell NCA.

Section 405 of the bill would transfer four parcels of public land – encompassing approximately 2,700 acres – to State and local governmental entities for a variety of public purposes and includes a standard reversionary clause to ensure that they are used for their intended purpose. This section also includes language requiring that any hazardous contamination be remediated by the applicable local government entity prior to reversion. The Department has previously supported legislated, no-cost public purpose conveyances if they meet standards under the R&PP Act and are determined to be appropriate for transfer out of Federal ownership. The Department would like to work with the sponsor on a few amendments to this section, including boundary adjustments for manageability and protection of known cultural and historic resources, time frames, mapping requirements, and language more clearly defining the specific public purposes for each of the conveyances.

Section 406 of S. 2809 authorizes the State of Utah to relinquish inholdings within the proposed wildernesses and San Rafael Swell NCA and select BLM-managed public lands that are not part of the BLM's National Conservation Lands, areas of critical environmental concern (ACECs), special recreation management areas, and (with some exceptions) acquired lands to receive in

exchange. The purpose of these exchanges would be to consolidate ownership of isolated State parcels and to transfer public lands to the State for economic development.

Under this section, the land exchanges would be completed subject to valid existing rights, and appraisals would be conducted. The Secretary or the State may assume all of the costs or other responsibilities associated with the exchange and make adjustments to the relative values involved in the conveyance of land to compensate the Secretary or the State, as applicable, for assuming these costs or other responsibilities. If the value of the lands proposed for exchange is not equal, they must be made equal by the State or Secretary making a cash equalization payment to the other party or through the use of a ledger account.

The Department supports the completion of major land exchanges that consolidate ownership of scattered tracts of land, thereby easing BLM and State land management tasks. We would like the opportunity to work with the sponsor and Subcommittee to incorporate standard appraisal and equalization of values language into the exchange contemplated by section 406. This language would allow the Department to continue its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. The Department recommends that any appraisal process be managed by DOI's Appraisal and Valuation Services Office, which provides credible, timely, and efficient valuation services to ensure public trust in Federal real property transactions. While it may be appropriate to consider alternative methods for low-value parcels and environmental review as envisioned by this legislation, we believe in general that adhering to existing Federal Land Policy and Management Act (FLPMA) processes as much as possible is important.

The Department would also welcome the opportunity to work with the sponsor on a few modifications to the land exchange outlined in section 406, including language clarifying whether it is subject to section 206 of FLPMA, areas eligible for selection, timing of the withdrawal, grazing considerations, and time frames.

Conclusion

The Department greatly appreciates the sponsor's ambitious effort to address difficult resource and land management issues in Emery County, Utah. We support S. 2809, which we believe is consistent with the Secretary's priorities to improve recreation, public access, and conservation stewardship. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process.