

**Statement of
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**Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 2890, Douglas County Economic Development and Conservation Act
September 16, 2020**

Thank you for inviting the Department of the Interior to testify on S. 2890, the Douglas County Economic Development and Conservation Act. This bill authorizes public land sales and conveyances in Douglas County, Nevada, and provides for the transfer of approximately 2,669 acres of public lands to be held in trust for the benefit of the Washoe Tribe of Nevada and California. The bill also designates the 12,392-acre Burbank Canyons Wilderness Area, and releases approximately 1,065 acres from the Burbank Wilderness Study Area from consideration for wilderness designation. Finally, S. 2890 conveys U.S. Forest Service (USFS) land to the state of Nevada.

The Department has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship through Secretary's Orders 3347, 3356, 3366, and 3373. To advance those goals, we are focusing on restoring full collaboration and coordination with local communities and making the Department a better neighbor.

Secretary Bernhardt is committed to ensuring that public access for outdoor recreation is adequately weighed when determining the appropriateness of the disposal or exchange of public lands, which is why Secretary's Order 3373 was one of his first orders signed as Secretary. The Order helps ensure that before the BLM disposes of any lands, it must consider what impact it will have on the public's access for outdoor recreation, including existing access, and access managed by other Federal, state, and county agencies. While the Department supports the goals of S. 2890 that align with this important priority, we are concerned that the broad scope of the proposed land disposals in S. 2890 as currently written could ultimately decrease public access and limit outdoor recreational opportunities. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the USFS.

S. 2890

Land Conveyances (Title I, Sec. 103)

Section 103 of S. 2890 directs the conveyance of nearly 7,800 acres of public land to Douglas County (County) for the purpose of flood control or other public purposes consistent with the Recreation and Public Purpose Act (R&PP Act) within 180 days after being requested by the County. S. 2890 also provides that the land would revert to the United States, at the discretion of the Secretary of the Interior, if it ceases to be used for public purposes. While the County would receive the land itself at no cost under the bill, the County would pay any administrative costs

associated with the conveyance. The County would also have the option under S. 2890 to purchase the reversionary interest at fair market value, as determined by an appraisal, for all or any portion of the lands conveyed.

As a matter of policy, the Department supports working with local governments to resolve land tenure issues that advance worthwhile policy objectives. In general, the Department supports the proposed conveyance if it is consistent with the existing R&PP Act authority. We are concerned, however, that the total acreage proposed for conveyance is significantly larger than what is normally authorized for public purposes under the R&PP Act.

Land Sales (Title I, Sec. 104)

Section 104 of the bill directs the sale of approximately 60 acres identified by a map referenced in the bill, and the sale of not more than 10,000 acres of lands that have been identified as potentially suitable for disposal by the BLM's Carson City Consolidated Resource Management Plan or subsequent amendment. Under the bill, all land sales would be subject to valid existing rights. The Secretary is directed to work with the County to jointly select the public lands to be sold for fair market value through a competitive bidding process to qualified bidders within one year of enactment.

Proceeds from the sales directed by the bill would be disbursed to the state of Nevada, the County, and a special account in the U.S. Treasury for a number of specific purposes outlined in the bill. Proceeds from any purchase of the reversionary interest in Section 103 of the bill would follow the same distribution. The special account would be available to the Secretary for the purpose of reimbursing costs associated with preparing sales and land to trust conveyances directed by S. 2890 and acquisition of environmentally sensitive land within the County.

Finally, Title I amends the Southern Nevada Public Land Management Act to include the County as an eligible entity to apply for funds to acquire land or interests in land for parks, trails, or natural areas; for conservation initiatives within the Carson and Walker River watersheds; and for conservation of sage-grouse habitat.

The Department is committed to ensuring access to America's public lands, but is concerned with the broad scope of the conveyances and sales in Title I. The BLM notes that the deadlines established in the bill would be difficult to meet, and we would like to work with the sponsor on more practical timeframes. We would also welcome the opportunity to work with the sponsor on clarifying language in the bill, and to develop a legislative map to ensure the proposed conveyances and sales do not inadvertently decrease public access or recreation opportunities in Douglas County as directed by Secretary's Order 3373.

Tribal Cultural Resources (Title II)

Title II of S. 2890 directs approximately 2,670 acres of public land managed by the BLM and USFS to be held in trust for the benefit of the Washoe Tribe of Nevada and California. The transfer of lands under this title are subject to valid existing rights and shall become part of the reservation of the Tribe. Under the bill, class II and class III gaming under the Indian Gaming Regulatory Act would be prohibited on these lands.

Further, the bill requires survey of the boundary lines of the land taken into trust within 180 days of enactment. In addition, S. 2890 authorizes the Secretaries of the Interior and Agriculture to implement fuel reduction or landscape restoration activities in consultation and coordination with the Tribe.

The Department supports the transfer of these lands to be held in trust for the benefit of the Tribe and appreciates the opportunity to work collaboratively with the Tribe on fuel reduction and landscape restoration activities. We would welcome the opportunity to work with the sponsor on minor technical modifications to simplify transfer of the lands.

Wilderness (Title III)

Title III of S. 2890 designates 12,392 acres of BLM-managed public lands as the Burbank Canyons Wilderness, and releases 1,065 acres of public lands from the Burbank Canyon Wilderness Study Area (WSA) from consideration for wilderness designation. Only Congress can determine whether to designate WSAs as wilderness or to release them for multiple use. The WSA included in the proposed wilderness designation has been pending final resolution by Congress since it was established in 1991.

As a matter of policy, the Department supports congressional action to resolve wilderness designations and WSA release issues on public lands across the west, and we welcome opportunities to further those efforts. If Congress opts to proceed with designation of these lands as wilderness, we would like to work with the sponsor on the boundary map and minor amendments, including the use of standard wilderness designation language.

Conclusion

As a matter of policy, the Department supports the goal of working with state, local, and tribal partners to achieve mutually optimal outcomes for the management of public lands. We look forward to working with the bill's sponsor further on this legislation.